No. 18-281

In the Supreme Court of the United States

VIRGINIA HOUSE OF DELEGATES, M. KIRKLAND COX,

Appellants,

v.

GOLDEN BETHUNE-HILL, et al.,

Appellees.

On Appeal from the United States District Court for the Eastern District of Virginia

JOINT APPENDIX
Volume I of IX

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December 28, 2018

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Jurisdiction Postponed November 13, 2018

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The following opinions, decisions, judgments, and orders have been omitted in printing this joint appendix because they appear on the following page in the appendix to the Petition for Certiorari:

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UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA

No. 3:14-cv-00852

BETHUNE-HILL ET AL

v.

VIRGINIA STATE BOARD OF ELECTIONS ET AL

DOCKET ENTRIES

Date Filed	#	Docket Text
12/22/2014	1	COMPLAINT against James B. Alcorn, Kimberly Bowers, Edgardo Cortes, Charlie Judd, Virginia Department of Elections, Virginia State Board of Elections (Filing fee $ 400.00, receipt number 34683027635.), filed by Alfreda Gordon, Vivian Williamson, Atoy Carrington, Tavarris Spinks, Golden Bethune-Hill, Sheppard Roland Winston, Cherrelle Hurt, Christa Brooks, Davinda Davis, Terrell Kingwood, Mattie Mae Urquhart, Chauncey Brown. (Attachments: # 1 Civil Cover Sheet, # 2 Receipt, # 3 Cover Letter) (tdai,) (Entered: 12/23/2014)

Date Filed	#	Docket Text
12/22/2014	2	Summons Issued as to James B. Alcorn, Kimberly Bowers, Edgardo Cortes, Charlie Judd, Virginia Department of Elections, Virginia State Board of Elections. Summonses issued and given to messenger as requested in cover letter. (tdai,) (Entered: 12/23/2014)G
		***
1/8/2014	11	ORDER IT APPEARING to the undersigned Chief Judge of the Fourth Judicial Circuit of the United States that a civil action was filed in the United States District Court for the Eastern District of Virginia wherein the plaintiffs allege, inter alia, that Virginia's Congressional Districts 63, 69, 70, 71, 74, 75, 77, 80, 89, 90, 92, and 95 are racial gerrymanders in violation of the Equal Protection Clause. I DO HEREBY DESIGNATE the Honorable Barbara Milano Keenan, United States Circuit Judge for the Fourth Circuit; the Honorable Robert E. Payne, Senior United States District Judge for the Eastern District of Virginia; and the Honorable Gerald Bruce Lee, United States

Date Filed	#	Docket Text
		District Judge for the Eastern District of Virginia, to serve in the hearing and determination of this matter, as provided by law, the three to constitute a district court of three judges as provided by 28 U.S.C. § 2284. Signed by William B. Traxler, Jr., Chief Judge, U.S. Court of Appeals for the Fourth Circuit on 1/8/15. Copy sent to counsel for plaintiffs. (tdai,) (Entered: 01/09/2015)
		***
1/20/2015	14	SUMMONS Returned Executed. James B. Alcorn served on 1/12/2015, answer due 2/2/2015; Kimberly Bowers served on 1/12/2015, answer due 2/2/2015; Edgardo Cortes served on 1/12/2015, answer due 2/2/2015; Charlie Judd served on 1/14/2015, answer due 2/4/2015; Virginia Department of Elections served on 1/12/2015, answer due 2/2/2015; Virginia State Board of Elections served on 1/12/2015, answer due 2/2/2015. (tdai,) (Entered: 01/27/2015)

Date Filed	#	Docket Text
1/23/2015	12	MOTION to Intervene by Virginia House of Delegates, William J. Howell. (Attachments: # 1 Exhibit A, # 2 Proposed Order)(Mcknight, Katherine) (Entered: 01/23/2015)
1/23/2015	13	Memorandum in Support re 12 MOTION to Intervene filed by William J. Howell, Virginia House of Delegates. (Mcknight, Katherine) (Entered: 01/23/2015)
		***
2/2/2015	21	NOTICE by James B. Alcorn, Kimberly Bowers, Edgardo Cortes, Charlie Judd, Virginia Department of Elections, Virginia State Board of Elections re 12 MOTION to Intervene (Brundage, Jeffrey) (Entered: 02/02/2015)
2/2/2015	22	RESPONSE to Motion re 12 MOTION to Intervene filed by Golden Bethune-Hill, Christa Brooks, Chauncey Brown, Atoy Carrington, Davinda Davis, Alfreda Gordon, Cherrelle Hurt, Terrell Kingwood, Tavarris Spinks, Mattie Mae Urquhart,

Date Filed	#	Docket Text
		Vivian Williamson, Sheppard Roland Winston. (Roche, John) (Entered: 02/02/2015)
		***
2/3/2015	26	ORDER granting 12 Motion to Intervene to Intervene by Virginia House of Delegates, William J. Howell. The Defendant-Intervenors are directed forthwith to file and serve their Answer. It is so ORDERED. Signed by Magistrate Judge David J. Novak on 2/3/15. (tdai,) (Entered: 02/03/2015)
2/3/2015	27	ANSWER to 1 Complaint,, by William J. Howell, Virginia House of Delegates. (Mcknight, Katherine) (Entered: 02/03/2015)
2/5/2015	28	ORDER Having consulted with counsel, and for the reasons stated on the record on February 5, 2015, it is ordered that a bench trial shall be held on July 7-9, 2015. The trial will be held in the Albert V. Bryan United States Courthouse located at 401 Courthouse Square, Alexandria, VA 22314. It is further ordered that next

Date Filed	#	Docket Text
		Thursday, February 12, 2015, counsel shall submit their proposed Initial Pretrial Order and Scheduling Order. It is so ORDERED. Signed by Magistrate Judge David J. Novak on 2/5/14. (tdai,) (Entered: 02/05/2015)
2/5/2015		Set Hearings: Bench Trial set for 7/7/2015 at 10:00 AM in Alexandria Courtroom 601 before three judge panel of District Judge Robert E. Payne, District Judge Gerald Bruce Lee, and Circuit Judge Barbara Milano Keenan (rpiz) (Entered: 02/05/2015)
		***
2/12/2015	30	*Proposed Joint Initial Pretrial, Scheduling, and* Discovery Plan by Golden Bethune-Hill, Christa Brooks, Chauncey Brown, Atoy Carrington, Davinda Davis, Alfreda Gordon, Cherrelle Hurt, Terrell Kingwood, Tavarris Spinks, Mattie Mae Urquhart, Vivian Williamson, Sheppard Roland Winston. (Roche, John) (Entered: 02/12/2015)
2/18/2015	31	ANSWER to 1 Complaint,, by James B. Alcorn, Kimberly

Date Filed	#	Docket Text
		Bowers, Edgardo Cortes, Charlie Judd, Virginia Department of Elections, Virginia State Board of Elections. (Brundage, Jeffrey) (Entered: 02/18/2015)
		***
2/27/2015	34	TRANSCRIPT of conference call held on February 24, 2015, before Judge Robert E. Payne, Court Reporter Peppy Peterson, Telephone number 804-916-2267. **NOTICE RE REDACTION OF TRANSCRIPTS: The parties have thirty (30) calendar days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be made remotely electronically available to the public without redaction after 90 calendar days. The policy is located on our website at www.vaed.uscourts.gov Transcript may be viewed at the court public terminal or purchased through the court reporter before the deadline for Release of Transcript Restriction. After that date it**

Date Filed	#	Docket Text
		may be obtained through PACER Redaction Request due 3/30/2015. Redacted Transcript Deadline set for 4/29/2015. Release of Transcript Restriction set for 5/28/2015. (peterson, peppy) (Entered: 02/27/2015)
3/3/2015	35	INITIAL PRETRIAL, scheduling and Discovery Order Signed by District Judge Robert E. Payne on 3/2/15. (sneal,) (Entered: 03/03/2015)
		***
3/19/2015	39	Consent MOTION TO MODIFY THE INITIAL PRETRIAL, SCHEDULING AND DISCOVERY ORDER by Golden Bethune-Hill, Christa Brooks, Chauncey Brown, Atoy Carrington, Davinda Davis, Alfreda Gordon, Cherrelle Hurt, Terrell Kingwood, Tavarris Spinks, Mattie Mae Urquhart, Vivian Williamson, Sheppard Roland Winston. (Roche, John) (Entered: 03/19/2015)
		***
3/24/2015	41	CONSENT ORDER GRANTING JOINT MOTION TO MODIFY THE INITIAL PRETRIAL,

Date Filed	#	Docket Text
		SCHEDULING AND DISCOVERY ORDER. See Order for complete details and deadlines. Signed by District Judge Robert E. Payne on 3/24/15. (tdai,) (Entered: 03/24/2015)
		***
4/1/2015	45	**STATUS REPORT *Regarding Discovery* by Golden Bethune-Hill, Christa Brooks, Chauncey Brown, Atoy Carrington, Davinda Davis, Alfreda Gordon, Cherrelle Hurt, Terrell Kingwood, Tavarris Spinks, Mattie Mae Urquhart, Vivian Williamson, Sheppard Roland Winston. (Roche, John) (Entered: 04/01/2015)**
		***
4/13/2015	48	**MOTION to Compel *amd Memorandum in Support* by Golden Bethune-Hill, Christa Brooks, Chauncey Brown, Atoy Carrington, Davinda Davis, Alfreda Gordon, Cherrelle Hurt, Terrell Kingwood, Tavarris Spinks, Mattie Mae Urquhart, Vivian Williamson, Sheppard Roland Winston. (Attachments:**

Date Filed	#	Docket Text
		# 1 Proposed Order) (Roche, John) (Entered: 04/13/2015)
4/13/2015	49	Declaration re 48 MOTION to Compel *and Memorandum in Support (Ryan Spear)* by Golden Bethune-Hill, Christa Brooks, Chauncey Brown, Atoy Carrington, Davinda Davis, Alfreda Gordon, Cherrelle Hurt, Terrell Kingwood, Tavarris Spinks, Mattie Mae Urquhart, Vivian Williamson. (Attachments: # 1 Exhibit A - F)(Roche, John) (Entered: 04/13/2015)
4/21/2015	50	Memorandum in Opposition re 48 MOTION to Compel *and Memorandum in Support* filed by William J. Howell, Virginia House of Delegates. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D) (Mcknight, Katherine) (Entered: 04/21/2015)
4/27/2015	52	Reply to Motion re 48 MOTION to Compel *and Memorandum in Support*, RESPONSE in Support filed by Golden Bethune-Hill, Christa Brooks, Chauncey Brown, Atoy Carrington, Davinda Davis, Alfreda Gordon,

Date Filed	#	Docket Text
		Cherrelle Hurt, Terrell Kingwood, Tavarris Spinks, Mattie Mae Urquhart, Vivian Williamson, Sheppard Roland Winston. (Roche, John) (Entered: 04/27/2015)
		***
5/15/2015	53	ORDER that for the reasons stated on the record on May 14, 2015, the Defendants shall file their motion to quash by May 20, 2015 at 5:00 p.m.; the Intervenor-Defendants and Plaintiffs shall file their responses by May 22, 2015 at 5:00 p.m.; and the Defendants shall file their reply by May 25, 2015 at 5:00 p.m. It is so ORDERED. Signed by District Judge Robert E. Payne on 05/14/2015. (ccol,) (Entered: 05/15/2015)
5/15/2015	54	TRANSCRIPT of proceedings held on May 14, 2015, before Judge Robert E. Payne, Court Reporter Peppy Peterson, Telephone number 804-916-2267. **NOTICE RE REDACTION OF TRANSCRIPTS: The parties have thirty (30) calendar days to file with the Court a**

Date Filed	#	Docket Text
		Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be made remotely electronically available to the public without redaction after 90 calendar days. The policy is located on our website at www.vaed.uscourts.gov Transcript may be viewed at the court public terminal or purchased through the court reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER Redaction Request due 6/15/2015. Redacted Transcript Deadline set for 7/15/2015. Release of Transcript Restriction set for 8/13/2015. (peterson, peppy) (Entered: 05/15/2015)
		***
5/22/2015	57	ORDER The Court hereby ORDERS that paragraph 13 of the 35 Initial Pretrial, Scheduling and Discovery Order be MODIFIED as follows: Each Party shall file a trial brief with the Clerk no later than 5:00 p.m.

Date Filed	#	Docket Text
		on June 19, 2015. It is so ORDERED. Signed by District Judge Robert E. Payne on 5/21/15. (tdai,) (Entered: 05/22/2015)
5/22/2015	58	ORDER The Court will convene a pretrial conference by telephone at 2:00 p.m., June 4, 2015. Counsel are invited to submit any agenda items that need to be discussed or resolved at the conference. Proposed agenda items shall be filed by June 2, 2015. SEE ORDER FOR COMPLETE DETAILS. It is so ORDERED. Signed by District Judge Robert E. Payne on 5/21/15. (tdai,) (Entered: 05/22/2015)
5/26/2015	59	MEMORANDUM OPINION. Signed by District Judge Robert E. Payne on 5/26/15. (tdai,) (Entered: 05/26/2015)
5/26/2015	60	ORDER granting in part and denying in part 48 Motion to Compel. SEE ORDER FOR COMPLETE DETAILS. It is so ORDERED. Signed by District Judge Robert E. Payne on 5/26/15. (tdai,) (Entered: 05/26/2015)

Date Filed	#	Docket Text
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6/2/2015	62	Response to 58 Order, *(May 22, 2015) (Joint)* filed by Golden Bethune-Hill, Christa Brooks, Chauncey Brown, Atoy Carrington, Davinda Davis, Alfreda Gordon, Cherrelle Hurt, Terrell Kingwood, Tavarris Spinks, Mattie Mae Urquhart, Vivian Williamson. (Roche, John) (Entered: 06/02/2015)
6/4/2015	63	ORDER granting 61 Joint Motion for Extension to Extend Deadline to File Motions in Limine. 35 Initial Pretrial, Scheduling and Discovery Order is AMENDED to reflect that the briefing on motions in limine as follows: #1) Motions in limine filed by June 9, 2015; #2) Responses filed by June 15, 2015; #3) Replies filed by June 18, 2015. It is so ORDERED. Signed by District Judge Robert E. Payne on 6/3/15. (tdai,) (Entered: 06/04/2015)
6/4/2015		Minute Entry for proceedings held before District Judge Robert E. Payne: Telephone Conference held on 6/4/2015. (Court Reporter Peppy Peterson,

Date Filed	#	Docket Text
		OCR.)(khan,) (Entered: 06/19/2015)
6/9/2015	64	ORDER pursuant to the Court's Order dated May 26, 2015 re 60, the Intervenor-Defendants submitted documents to the Court for in camera review. The Intervenor-Defendants' claims of privilege are upheld with the exception of those entries numbered 22, 23, and 24 because the communications are not substantively privileged. Entries 22 through 24 shall be produced immediately. It is so ORDERED. Signed by District Judge Robert E. Payne on 06/08/2015. (ccol,) (Entered: 06/09/2015)
6/9/2015	65	ORDER It is hereby ORDERED that post-trial opening briefs shall be filed simultaneously by each side on July 20, 2015 and post-trial reply briefs shall be filed on July 27, 2015. The parties will be notified if the Court requires oral argument. It is so ORDERED. Signed by Magistrate Judge David J. Novak on 6/9/15. (tdai,) (Entered: 06/09/2015)
6/12/2015	66	Joint MOTION to Amend/Correct 1 Complaint,, by

Date Filed	#	Docket Text
		Golden Bethune-Hill, Christa Brooks, Chauncey Brown, Atoy Carrington, Davinda Davis, Alfreda Gordon, Cherrelle Hurt, Terrell Kingwood, Tavarris Spinks, Mattie Mae Urquhart, Vivian Williamson, Sheppard Roland Winston. (Attachments: # 1 Exhibit A (Amended Complaint)) (Roche, John) (Entered: 06/12/2015)
6/15/2015	67	ORDER that the JOINT MOTION TO ALLOW FILING OF AMENDED COMPLAINT 66 is granted. It is further ORDERED that the plaintiffs shall electronically file their Amended Complaint forthwith. Signed by District Judge Robert E. Payne on 6/15/2015. (sbea,) (Entered: 06/15/2015)
6/15/2015	68	AMENDED COMPLAINT against Virginia State Board of Elections, James B. Alcorn, Virginia Department of Elections, Edgardo Cortes, Clara Belle Wheeler, Singleton B. McAllister, Virginia House of Delegates, William J. Howell filed by Plaintiffs.(Roche, John) Modified text on 6/16/2015 (tdai,). (Entered: 06/15/2015)

Date Filed	#	Docket Text
6/16/2015	69	ORDER for the reasons stated on the record on June 4, 2015, if the bench trial scheduled for July 7-9, 2015 is not concluded within that time, the trial will resume and conclude on July 13, 2015. It is so ORDERED. Signed by District Judge Robert E. Payne on 6/15/15. (tdai,) (Entered: 06/16/2015)
***		
6/16/2015	70	TRANSCRIPT of proceedings held on June 4, 2015, before Judge Robert E. Payne, Court Reporter Peppy Peterson, Telephone number 804-916-2267. **NOTICE RE REDACTION OF TRANSCRIPTS: The parties have thirty (30) calendar days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be made remotely electronically available to the public without redaction after 90 calendar days. The policy is located on our website at www.vaed.uscourts.gov** Transcript may be viewed at

Date Filed	#	Docket Text
		the court public terminal or purchased through the court reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER Redaction Request due 7/16/2015. Redacted Transcript Deadline set for 8/17/2015. Release of Transcript Restriction set for 9/14/2015.(peterson, peppy) (Entered: 06/16/2015)
6/16/2015	71	AMENDED COMPLAINT *Corrected* against James B. Alcorn, Edgardo Cortes, Singleton B. McAllister, Virginia Department of Elections, Virginia State Board of Elections, Clara Belle Wheeler, filed by Alfreda Gordon, Vivian Williamson, Atoy Carrington, Tavarris Spinks, Thomas Calhoun, Golden Bethune-Hill, Sheppard Roland Winston, Cherrelle Hurt, Christa Brooks, Davinda Davis, Mattie Mae Urquhart, Chauncey Brown.(Roche, John) Modified text on 6/16/2015 (tdai,). (Entered: 06/16/2015)

Date Filed	#	Docket Text
6/19/2015	72	TRIAL BRIEF by William J. Howell, Virginia House of Delegates. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 6, # 7 Exhibit 7, # 8 Exhibit 8, # 9 Exhibit 9, # 10 Exhibit 10, # 11 Exhibit 11, # 12 Exhibit 12, # 13 Exhibit 13, # 14 Exhibit 14, # 15 Exhibit 15, # 16 Exhibit 16, # 17 Exhibit 17, # 18 Exhibit 18, # 19 Exhibit 19, # 20 Exhibit 20, # 21 Exhibit 21, # 22 Exhibit 22, # 23 Exhibit 23, # 24 Exhibit 24, # 25 Exhibit 25, # 26 Exhibit 26, # 27 Exhibit 27, # 28 Exhibit 28, # 29 Exhibit 29) (Walrath, Jennifer) (Entered: 06/19/2015)
6/19/2015	73	TRIAL BRIEF by James B. Alcorn, Edgardo Cortes, Singleton B. McAllister, Virginia Department of Elections, Virginia State Board of Elections, Clara Belle Wheeler. (Brundage, Jeffrey) (Entered: 06/19/2015)
6/19/2015	74	TRIAL BRIEF by Golden Bethune-Hill, Christa Brooks, Chauncey Brown, Thomas Calhoun, Atoy Carrington, Davinda Davis, Alfreda Gordon,

Date Filed	#	Docket Text
		Cherrelle Hurt, Tavarris Spinks, Mattie Mae Urquhart, Vivian Williamson, Sheppard Roland Winston. (Attachments: # 1 Appendix Part 1, # 2 Appendix Part 2) (Branch, Aria) (Entered: 06/19/2015)
6/19/2015	75	Witness List by Golden Bethune-Hill, Christa Brooks, Chauncey Brown, Thomas Calhoun, Atoy Carrington, Davinda Davis, Alfreda Gordon, Cherrelle Hurt, Tavarris Spinks, Mattie Mae Urquhart, Vivian Williamson, Sheppard Roland Winston. (Branch, Aria) (Entered: 06/19/2015)
6/19/2015	76	Exhibit List by Golden Bethune-Hill, Christa Brooks, Chauncey Brown, Thomas Calhoun, Atoy Carrington, Davinda Davis, Alfreda Gordon, Cherrelle Hurt, Tavarris Spinks, Mattie Mae Urquhart, Vivian Williamson, Sheppard Roland Winston.. (Attachments: # 1 Exhibit)(Branch, Aria) (Entered: 06/19/2015)
6/22/2015	77	Exhibit List by James B. Alcorn, Edgardo Cortes, Singleton B. McAllister, Virginia Department

Date Filed	#	Docket Text
		of Elections, Virginia State Board of Elections, Clara Belle Wheeler.. (Brundage, Jeffrey) (Entered: 06/22/2015)
6/22/2015	78	Witness List by James B. Alcorn, Edgardo Cortes, Singleton B. McAllister, Virginia Department of Elections, Virginia State Board of Elections, Clara Belle Wheeler. (Brundage, Jeffrey) (Entered: 06/22/2015)
6/22/2015	79	*Witness and* Exhibit List by William J. Howell, Virginia House of Delegates..(Attachments: # 1 Exhibit A)(Walrath, Jennifer) (Attachment 1 replaced on 6/23/2015) (tdai,). (Entered: 06/22/2015)
6/23/2015	80	*Rebuttal* Witness List by Golden Bethune-Hill, Christa Brooks, Chauncey Brown, Thomas Calhoun, Atoy Carrington, Davinda Davis, Alfreda Gordon, Cherrelle Hurt, Tavarris Spinks, Mattie Mae Urquhart, Vivian Williamson, Sheppard Roland Winston. (Branch, Aria) (Entered: 06/23/2015)
6/25/2015	81	Objection to 79 Exhibit List filed by Golden Bethune-Hill, Christa

Date Filed	#	Docket Text
		Brooks, Chauncey Brown, Thomas Calhoun, Atoy Carrington, Davinda Davis, Alfreda Gordon, Cherrelle Hurt, Terrell Kingwood, Tavarris Spinks, Mattie Mae Urquhart, Vivian Williamson, Sheppard Roland Winston. (Attachments: # 1 Exhibit A-B, # 2 Exhibit G, # 3 Exhibit H-M, # 4 Exhibit N O)(Branch, Aria) (Entered: 06/25/2015)
6/25/2015	82	NOTICE of Filing of Exhibits re 81 Objection by Golden Bethune-Hill, Christa Brooks, Chauncey Brown, Thomas Calhoun, Atoy Carrington, Davinda Davis, Alfreda Gordon, Cherrelle Hurt, Tavarris Spinks, Mattie Mae Urquhart, Vivian Williamson, Sheppard Roland Winston, (Attachments: # 1 Exhibit C-F)(Branch, Aria) Modified text on 6/26/2015 (tdai,). (Entered: 06/25/2015)
6/26/2015	83	Statement of Undisputed Facts by Golden Bethune-Hill, Christa Brooks, Chauncey Brown, Thomas Calhoun, Atoy Carrington, Davinda Davis, Alfreda Gordon, Cherrelle Hurt, Tavarris Spinks, Mattie Mae

Date Filed	#	Docket Text
		Urquhart, Vivian Williamson, Sheppard Roland Winston. (Branch, Aria) (Entered: 06/26/2015)
6/26/2015	84	Objection *to Defendant-Intervenors' Deposition Designations* filed by Golden Bethune-Hill, Christa Brooks, Chauncey Brown, Thomas Calhoun, Atoy Carrington, Davinda Davis, Alfreda Gordon, Cherrelle Hurt, Tavarris Spinks, Mattie Mae Urquhart, Vivian Williamson, Sheppard Roland Winston. (Attachments: # 1 Exhibit Declaration of Bruce V. Spiva) (Branch, Aria) (Entered: 06/26/2015)
6/29/2015	85	EXHIBIT *to Statement of Undisputed Facts* by Golden Bethune-Hill, Christa Brooks, Chauncey Brown, Thomas Calhoun, Atoy Carrington, Davinda Davis, Alfreda Gordon, Cherrelle Hurt, Tavarris Spinks, Mattie Mae Urquhart, Vivian Williamson, Sheppard Roland Winston.. (Branch, Aria) (Entered: 06/29/2015)
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Date Filed	#	Docket Text
7/1/2015	86	STIPULATION re 84 Objection, by William J. Howell, Virginia House of Delegates. (Mcknight, Katherine) (Entered: 07/01/2015)
7/1/2015	87	STIPULATION *Regarding Exhibits* by Golden Bethune-Hill, Christa Brooks, Chauncey Brown, Thomas Calhoun, Atoy Carrington, Davinda Davis, Alfreda Gordon, Cherrelle Hurt, Tavarris Spinks, Mattie Mae Urquhart, Vivian Williamson, Sheppard Roland Winston. (Branch, Aria) (Entered: 07/01/2015)
7/1/2015	88	Response to 81 Objection, filed by William J. Howell, Virginia House of Delegates. (Walrath, Jennifer) (Entered: 07/01/2015)
7/2/2015	89	NOTICE by Golden Bethune-Hill, Christa Brooks, Chauncey Brown, Thomas Calhoun, Atoy Carrington, Davinda Davis, Alfreda Gordon, Cherrelle Hurt, Tavarris Spinks, Mattie Mae Urquhart, Vivian Williamson, Sheppard Roland Winston *Notice of Filing of Proofs of Service of Trial Subpoenas* (Attachments: # 1 Exhibit, # 2 Exhibit, # 3 Exhibit, # 4

Date Filed	#	Docket Text
		Exhibit)(Branch, Aria) (Entered: 07/02/2015)
7/2/2015	90	NOTICE by Golden Bethune-Hill, Christa Brooks, Chauncey Brown, Thomas Calhoun, Atoy Carrington, Davinda Davis, Alfreda Gordon, Cherrelle Hurt, Tavarris Spinks, Mattie Mae Urquhart, Vivian Williamson, Sheppard Roland Winston *Notice of Filing of Conformed Set of Designated Discovery* (Attachments: # 1 Exhibit, # 2 Exhibit, # 3 Exhibit)(Branch, Aria) (Entered: 07/02/2015)
		***
7/2/2015	92	Reply to 88 Response *In Support of Objections to Defendant-Intervenors' Proposed Trial Exhibits* filed by Golden Bethune-Hill, Christa Brooks, Chauncey Brown, Thomas Calhoun, Atoy Carrington, Davinda Davis, Alfreda Gordon, Cherrelle Hurt, Tavarris Spinks, Mattie Mae Urquhart, Vivian Williamson, Sheppard Roland Winston. (Branch, Aria) (Entered: 07/02/2015)
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Date Filed	#	Docket Text
7/7/2015	94	Minute Entry for proceedings held before District Judge Robert E. Payne, Judge Gerald Lee, and Circuit Judge Keenan: Bench Trial Day 1 held on 7/7/2015. Appearances: Kevin Hamilton, Bruce Spiva and Aria Branch for Pltffs; Godfrey Pinn, Dan Glass and Tony Troy for Defts; Kate McKnight, Jennifer Walrath and Mark Braden for Deft-Intervenors. Pltff adduced evidence. Bench Trial set to continue 7/8/2015 at 10:00 AM in Alexandria Courtroom 900 before District Judge Robert E. Payne. (Court Reporter Peppy Peterson, Norman Linnell.) (tbul,) (Entered: 07/07/2015)
7/8/2015	95	Minute Entry for proceedings held before Panel of District Judge Robert E. Payne, Judge Lee, and Circuit Judge Keenan:Bench Trial Day 2 held on 7/8/2015. Appearances: Same. Plaintiffs contd. to adduce evidence. Plaintiffs requested the Court to take notice of the stipulation docket No. 83, corrected to be docket 80, the Court did so in open court, and Plaintiff rested. Rebuttal is

Date Filed	#	Docket Text
		reserved. Counsel confirmed that there is no rule on witnesses for this trial. Defendant Intervenors adduced evidence. Bench Trial set to continue 7/9/2015 at 10:00 AM in Alexandria Courtroom 900 before District Judge Robert E. Payne, Judge Lee, and Cir. Judge Keenan. (Court Reporter Peppy Peterson and Norman Linnell.)(tbul,) Modified on 7/9/2015 to reflect change of 83 to 80 (tbul,). (Main Document 95 replaced on 7/9/2015) (tbul,). (Entered: 07/08/2015)
7/9/2015	96	Minute Entry for proceedings held before District Judge Robert E. Payne, Judge Lee, and Cir. Judge Keenan:Bench Trial Day 3 held on 7/9/2015. Appearances: Same. Pltffs noted that a request for the Court to notice on the record a stipulation filed as docket "80" should have read docket 83. Pltffs' oral request for the Court to admit the previously-filed depo. designations - granted by Judge Payne (Note: Hard copy provided to deputy clerk and trial exh. stickered Joint Exh. 1, w/ no obj.

Date Filed	#	Docket Text
		by Defts). Deft Intervenors cont'd. to adduce evidence. Pltffs called one rebuttal wit. out of order and offered two exhibits objected to in part by Deft Intervenors. Bench Trial set to cont. 7/13/2015 at 10:00 AM in Alexandria Courtroom 900 before District Judge Robert E. Payne. (Court Reporter P. Peterson and N. Linnell.)(tbul,) (Entered: 07/09/2015)
7/13/2015	97	Minute Entry for proceedings held before District Judge Robert E. Payne: Bench Trial Day 4 completed on 7/13/2015 before Judges Payne and Lee, and Circuit Judge Keenan. Appearances: Same. Deft-Intervenors cont'd. to adduce evidence and rested. Pltffs adduced rebuttal evidence and rested. Closing arguments with question period of the Panel of Judges - held. Trial concluded. Counsel stayed to review exhibits for the Clerk's Office (exhibits being retained) and signed an agreement that will be filed, then read a list of admitted exhibits into the record. (Court Reporter Peppy Peterson and

Date Filed	#	Docket Text
		Norman Linnell.)(tbul,) (Entered: 07/13/2015) (Additional attachment(s) added on 8/28/2015: # 1 Exhibit Clerk Notes Plaintiff Witnesses) (tbul,). (Additional attachment(s) added on 8/28/2015: # 2 Exhibit Clerk Notes Pltff Adm Exh) (tbul,). (Additional attachment(s) added on 8/28/2015: # 3 Exhibit Clerk Notes Deft Intervenor Wits) (tbul,). (Additional attachment(s) added on 8/28/2015: # 4 Exhibit Clerk Notes Deft Intervenor Adm Exh) (tbul,). (Additional attachment(s) added on 8/28/2015: # 5 Exhibit Clerk Notes Deft Wit List) (tbul,). (Additional attachment(s) added on 8/28/2015: # 6 Exhibit Clerk Notes Deft Exh List) (tbul,). (Additional attachment(s) added on 8/28/2015: #7 Exhibit Clerk Notes Pltff Rebuttal Wits) (tbul,). (Additional attachment(s) added on 8/28/2015: # 8 Exhibit Clerk Notes Re Stip and Adm Exh) (tbul,). (Entered: 07/13/2015)

Date Filed	#	Docket Text
7/13/2015	98	TRIAL EXHIBIT CERTIFICATE OF REVIEW (tbul,) (Entered: 07/13/2015)
7/14/2015	99	TRANSCRIPT of proceedings held on July 7, 2015, before Judge Robert E. Payne, Court Reporter Peppy Peterson, Telephone number 804-916-2267. **NOTICE RE REDACTION OF TRANSCRIPTS:The parties have thirty (30) calendar days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be made remotely electronically available to the public without redaction after 90 calendar days. The policy is located on our website at www.vaed.uscourts.gov Transcript may be viewed at the court public terminal or purchased through the court reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER Redaction Request due 8/13/2015. Redacted**

Date Filed	#	Docket Text
		Transcript Deadline set for 9/14/2015. Release of Transcript Restriction set for 10/13/2015. (peterson, peppy) (Entered: 07/14/2015)
7/14/2014	100	TRANSCRIPT of proceedings held on July 8, 2015, before Judge Robert E. Payne, Court Reporter Peppy Peterson, Telephone number 804-916-2267. **NOTICE RE REDACTION OF TRANSCRIPTS: The parties have thirty (30) calendar days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be made remotely electronically available to the public without redaction after 90 calendar days. The policy is located on our website at www.vaed.uscourts.gov Transcript may be viewed at the court public terminal or purchased through the court reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through**

Date Filed	#	Docket Text
		PACER Redaction Request due 8/13/2015. Redacted Transcript Deadline set for 9/14/2015. Release of Transcript Restriction set for 10/13/2015. (peterson, peppy) (Entered: 07/14/2015)
7/14/2015	101	TRANSCRIPT of proceedings held on July 9, 2015, before Judge Robert E. Payne, Court Reporter Peppy Peterson, Telephone number 804-916-2267. **NOTICE RE REDACTION OF TRANSCRIPTS: The parties have thirty (30) calendar days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be made remotely electronically available to the public without redaction after 90 calendar days. The policy is located on our website at www.vaed.uscourts.gov Transcript may be viewed at the court public terminal or purchased through the court reporter before the deadline for Release of Transcript**

Date Filed	#	Docket Text
		Restriction. After that date it may be obtained through PACER Redaction Request due 8/13/2015. Redacted Transcript Deadline set for 9/14/2015. Release of Transcript Restriction set for 10/13/2015. (peterson, peppy) (Entered: 07/14/2015)
7/14/2015	102	**TRANSCRIPT** of proceedings held on July 13, 2015, before Judge Robert E. Payne, Court Reporter Peppy Peterson, Telephone number 804-916-2267. **NOTICE RE REDACTION OF TRANSCRIPTS: The parties have thirty (30) calendar days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be made remotely electronically available to the public without redaction after 90 calendar days. The policy is located on our website at www.vaed.uscourts.gov Transcript may be viewed at the court public terminal or purchased through the court**

Date Filed	#	Docket Text
		reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER Redaction Request due 8/13/2015. Redacted Transcript Deadline set for 9/14/2015. Release of Transcript Restriction set for 10/13/2015. (peterson, peppy) (Entered: 07/14/2015)
7/15/2015	103	ORDER. It is hereby ORDERED that the post-trial briefs shall present the positions of the parties on a district-by-district basis in addition to such other matters as they shall elect to present. Opening briefs shall not exceed forty (40) pages in length and response briefs shall not exceed twenty-five (25) pages in length. Briefing on the issue of remedies shall be scheduled after a decision on the merits is reached. It is so ORDERED. Signed by District Judge Robert E. Payne on 07/15/2015. (ccol,) (Entered: 07/15/2015)
7/20/2015	104	INTERVENORS' POST-TRIAL BRIEF by William J. Howell, Virginia House of Delegates. (Walrath, Jennifer). Modified

Date Filed	#	Docket Text
		docket text on 7/21/2015 (sbea,). (Entered: 07/20/2015)
7/20/2015	105	POST-TRIAL OPENING BRIEF by Golden Bethune-Hill, Christa Brooks, Chauncey Brown, Thomas Calhoun, Atoy Carrington, Davinda Davis, Alfreda Gordon, Cherrelle Hurt, Tavarris Spinks, Mattie Mae Urquhart, Vivian Williamson, Sheppard Roland Winston. (Branch, Aria) Modified docket text on 7/21/2015 (sbea,). (Entered: 07/20/2015)
7/27/2015	106	INTERVENORS' POST-TRIAL REPLY BRIEF by William J. Howell, Virginia House of Delegates. (Walrath, Jennifer) Modified docket text on 7/28/2015 (sbea,). (Entered: 07/27/2015)
7/27/2015	107	POST-TRIAL REPLY BRIEF by Golden Bethune-Hill, Christa Brooks, Chauncey Brown, Thomas Calhoun, Atoy Carrington, Davinda Davis, Alfreda Gordon, Cherrelle Hurt, Tavarris Spinks, Mattie Mae Urquhart, Vivian Williamson, Sheppard Roland Winston. (Branch, Aria) Modified docket

Date Filed	#	Docket Text
		text on 7/28/2015 (sbea,). (Entered: 07/27/2015)
10/22/2015	108	MEMORANDUM OPINION. Signed by 3 Panel Judge 4 circ Barbara Milano Keenan on 10/22/2015. Memorandum Opinion electronically sent to all counsel of record. (sbea,) (Entered: 10/22/2015)
10/22/2015	109	ORDER that judgment is entered in favor of the defendants and that this case is dismissed with prejudice. It is so ORDERED. Signed by District Judge Robert E. Payne on 10/22/2015. Order electronically sent to all counsel of record. (sbea,) (Entered: 10/22/2015)
10/26/2015	110	NOTICE OF APPEAL as to 109 Order Dismissing Case by Golden Bethune-Hill, Christa Brooks, Chauncey Brown, Thomas Calhoun, Atoy Carrington, Davinda Davis, Alfreda Gordon, Cherrelle Hurt, Tavarris Spinks, Mattie Mae Urquhart, Vivian Williamson, Sheppard Roland Winston. Filing fee $ 505, receipt number

Date Filed	#	Docket Text
		0422-4698593. (Branch, Aria) (Entered: 10/26/2015)
10/27/2015	111	NOTICE OF TRANSMISSION TO SUPREME COURT OF THE UNITED STATES of: Notice of Appeal 110 , Memorandum Opinion 108 , Order 109 and docket report sent (via UPS) to Scott S. Harris, Clerk of the Court, United States Supreme Court.(lbre,) Modified on 10/27/2015 to correct clerical error (lbre,). (Entered: 10/27/2015)
		***
11/20/2015	114	Letter RECEIVED from the Supreme Court of the United States dated November 23, 2015. Supreme Court docket no.: 15-680. (sbea,) (Entered: 12/01/2015)
1/13/2016	115	Letter from Supreme Court of the United States requesting certification and transmission of entire record. (lbre,) (Entered: 01/14/2016)
1/15/2016	116	NOTICE of electronic transmission of record on appeal to SUPREME COURT OF THE UNITED STATES re Notice of

Date Filed	#	Docket Text
		Appeal 110. (lbre,) (Entered: 01/15/2016)
1/15/2016	117	NOTICE of transmission of supplemental record on appeal to SUPREME COURT OF THE UNITED STATES re Notice of Appeal 110 consisting of three boxes of trial exhibits as detailed in attached cover letter. (lbre,) (Entered: 01/15/2016)
6/6/2016	118	Letter received from Supreme Court of the United States re Notice of Appeal 110 - "The Court today entered the following order in the above-entitled case: In this case probable jurisdiction is noted." (lbre,) (Entered: 06/09/2016)
6/24/2016		Appeal Record Returned by SUPREME COURT of the UNITED STATES as to 110 Notice of Appeal: Three boxes of trial exhibits as detailed in 117 Notice of Transmission. These documents will be kept in Richmond Division. (lbre,) Modified on 7/7/2016 to denote location of boxes. (lbre,). (Entered: 07/06/2016)
11/1/2016	119	Letter from SUPREME COURT OF THE UNITED STATES

Date Filed	#	Docket Text
		requesting certification and transmission of entire record. (lbre,) (Entered: 11/01/2016)
11/2/2016	120	NOTICE of electronic transmission of record on appeal to SUPREME COURT OF THE UNITED STATES and transmission via UPS of nonelectronic trial exhibits re 110 Notice of Appeal. (lbre,) (Entered: 11/02/2016)
		***
3/3/2017	125	MOTION FOR EXPEDITED BRIEFING by Golden Bethune-Hill, Christa Brooks, Chauncey Brown, Thomas Calhoun, Atoy Carrington, Davinda Davis, Alfreda Gordon, Cherrelle Hurt, Tavarris Spinks, Mattie Mae Urquhart, Vivian Williamson, Sheppard Roland Winston. (Attachments: # 1 Exhibit A, #2 Proposed Order)(Branch, Aria) (Entered: 03/03/2017)
		***
3/6/2017	127	Opposition to 125 MOTION FOR EXPEDITED BRIEFING filed by William J. Howell, Virginia House of Delegates. (Attachments: # 1 Exhibit A)

Date Filed	#	Docket Text
		(Mcknight, Katherine) (Entered: 03/06/2017)
3/6/2017	128	SUPREME COURT OF THE UNITED STATES letter dated March 1, 2017 with attached OPINION re Notice of Appeal 110 . The enclosed opinion of this Court was announced today: The judgment of the District Court is AFFIRMED in part and VACATED in part. The case is REMANDED for further proceedings consistent with this opinion. The judgment or mandate of this Court will not issue for at least twenty-five days pursuant to Rule 45. Should a petition for rehearing be filed timely, the judgment or mandate will be further stayed pending this Court's action on the petition for rehearing. (lbre,) Modified and changed filing date to date received in Clerk's Office on 3/9/2017 (jtho,). (Entered: 03/07/2017)
3/7/2017	129	REPLY to Response to Motion re 125 MOTION FOR EXPEDITED BRIEFING filed by Golden Bethune-Hill, Christa Brooks, Chauncey Brown, Thomas Calhoun, Atoy Carrington,

Date Filed	#	Docket Text
		Davinda Davis, Alfreda Gordon, Cherrelle Hurt, Tavarris Spinks, Mattie Mae Urquhart, Vivian Williamson, Sheppard Roland Winston. (Branch, Aria) (Entered: 03/07/2017)
		***
3/8/2017	131	ORDER. Having considered PLAINTIFFS' MOTION FOR EXPEDITED BRIEFING AND MEMORANDUM IN SUPPORT, as well as the opposition and reply thereto, and finding that this Court lacks jurisdiction because the Supreme Court judgment on review has not taken effect, it is hereby ORDERED that the PLAINTIFFS' MOTION FOR EXPEDITED BRIEFING AND MEMORANDUM IN SUPPORT (ECF No. 125) is DENIED. This matter is adequately briefed and oral argument would not materially assist the decisional process. It is so ORDERED. Signed by District Judge Robert E. Payne on 03/08/2017. (nbrow) (Entered: 03/08/2017)
3/9/2017	133	ORDER IT APPEARING before the undersigned Chief Judge of the Fourth Judicial Circuit of the

Date Filed	#	Docket Text
		United States that it is necessary to designate a judge to replace the Honorable Gerald Bruce Lee as a member of the three-judge district court in this case, NOW, THEREFORE, I DO HEREBY DESIGNATE the Honorable Arenda Wright Allen, United States District Judge for the Eastern District of Virginia, to replace the Honorable Gerald Bruce Lee and to serve with the Honorable Barbara Milano Keenan, and the Honorable Robert E. Payne, as a district court of three judges to hear and determine this matter. Signed by Chief Judge Roger L. Gregory, U.S. Court of Appeals for the Fourth Circuit on 3/9/17. (jtho,) (Entered: 03/30/2017)
3/27/2017	132	SUPREME COURT OF THE UNITED STATES JUDGMENT dated March 1, 2017 re Notice of Appeal 110 , received via email in Clerk's office on March 27, 2017: ON CONSIDERATION WHEREOF, it is ordered and adjudged by this Court that the judgment of the above court is affirmed in part with costs, vacated in part, and remanded to

Date Filed	#	Docket Text
		the United States District Court for the Eastern District of Virginia for further proceedings consistent with the opinion of this Court. (Attachments: # 1 Letters of Supreme Court)(lbre,) (Entered: 03/29/2017)
3/30/2017	134	MOTION FOR BRIEFING AND MEMORANDUM IN SUPPORT by Golden Bethune-Hill, Christa Brooks, Chauncey Brown, Thomas Calhoun, Atoy Carrington, Davinda Davis, Alfreda Gordon, Cherrelle Hurt, Tavarris Spinks, Mattie Mae Urquhart, Vivian Williamson, Sheppard Roland Winston. (Attachments: # 1 Proposed Order)(Branch, Aria) Modified docket text on 3/31/2017 (sbea,). (Entered: 03/30/2017)
4/5/2017	135	ORDER that it would aid the Court in understanding the oral argument that transpired before the United States Supreme Court, the Court hereby ORDERS that the parties file for the record in this case the Petition Appendix used on appeal before the Supreme Court. Signed by District Judge

Date Filed	#	Docket Text
		Robert E. Payne on 4/5/17. (jtho,) (Entered: 04/05/2017)
4/6/2017	136	ORDER that the PLAINTIFFS' MOTION FOR BRIEFING AND MEMORANDUM IN SUPPORT (ECF No. 134) is denied. See Order for details and deadlines. It is so ORDERED. Signed by District Judge Robert E. Payne on 4/6/2017. (sbea,) (Entered: 04/06/2017)
4/6/2017	137	Response to 135 Order, filed by Golden Bethune-Hill, Christa Brooks, Chauncey Brown, Thomas Calhoun, Atoy Carrington, Davinda Davis, Alfreda Gordon, Cherrelle Hurt, Terrell Kingwood, Tavarris Spinks, Mattie Mae Urquhart, Vivian Williamson, Sheppard Roland Winston. (Roche, John) (Entered: 04/06/2017)
4/6/2017	138	EXHIBIT *Joint Appendix Volume I*; re: 137 Response to 135 Order, filed by Golden Bethune-Hill, Christa Brooks, Chauncey Brown, Thomas Calhoun, Atoy Carrington, Davinda Davis, Alfreda Gordon, Cherrelle Hurt, Tavarris Spinks, Mattie Mae Urquhart, Vivian Williamson, Sheppard Roland

Date Filed	#	Docket Text
		Winston. (Roche, John) Modified docket text on 4/7/2017. (sbea,) (Entered: 04/06/2017)
4/6/2017	139	EXHIBIT *Joint Appendix Volume II, Part 1 of 2*; re: 137 Response to 135 Order, filed by Golden Bethune-Hill, Christa Brooks, Chauncey Brown, Thomas Calhoun, Atoy Carrington, Davinda Davis, Alfreda Gordon, Cherrelle Hurt, Tavarris Spinks, Mattie Mae Urquhart, Vivian Williamson, Sheppard Roland Winston. (Attachments: # 1 Appendix Volume II, Part 2 of 2)(Roche, John). Modified docket text on 4/7/2017. (sbea,) (Entered: 04/06/2017)
4/6/2017	140	EXHIBIT *Joint Appendix Volume III;* re: 137 Response to 135 Order, filed by Golden Bethune-Hill, Christa Brooks, Chauncey Brown, Thomas Calhoun, Atoy Carrington, Davinda Davis, Alfreda Gordon, Cherrelle Hurt, Tavarris Spinks, Mattie Mae Urquhart, Vivian Williamson, Sheppard Roland Winston. (Roche, John). Modified

Date Filed	#	Docket Text
		docket text on 4/7/2017. (sbea,) (Entered: 04/06/2017)
4/6/2017	141	EXHIBIT *Joint Appendix Volume IV, Part 1 of 3*; re: 137 Response to 135 Order, filed by Golden Bethune-Hill, Christa Brooks, Chauncey Brown, Thomas Calhoun, Atoy Carrington, Davinda Davis, Alfreda Gordon, Cherrelle Hurt, Tavarris Spinks, Mattie Mae Urquhart, Vivian Williamson, Sheppard Roland Winston. (Attachments: # 1 Appendix Volume IV, Part 2 of 3, # 2 Appendix Volume IV, Part 3 of 3)(Roche, John). Modified docket text on 4/7/2017. (sbea,) (Entered: 04/06/2017)
4/6/2017	142	EXHIBIT *Joint Appendix Volume V*; re: 137 Response to 135 Order, filed by Golden Bethune-Hill, Christa Brooks, Chauncey Brown, Thomas Calhoun, Atoy Carrington, Davinda Davis, Alfreda Gordon, Cherrelle Hurt, Tavarris Spinks, Mattie Mae Urquhart, Vivian Williamson, Sheppard Roland Winston. (Roche, John). Modified docket text on 4/7/2017. (sbea,) (Entered: 04/06/2017)

Date Filed	#	Docket Text
4/6/2017	143	EXHIBIT *Joint Appendix Volume VI*; re: 137 Response to 135 Order, filed by Golden Bethune-Hill, Christa Brooks, Chauncey Brown, Thomas Calhoun, Atoy Carrington, Davinda Davis, Alfreda Gordon, Cherrelle Hurt, Tavarris Spinks, Mattie Mae Urquhart, Vivian Williamson, Sheppard Roland Winston. (Roche, John). Modified docket text on 4/7/2017. (sbea,) (Entered: 04/06/2017)
4/17/2017	144	MOTION for Leave to File *a Statement of Position as Amicus Curiae* by OneVirginia2021: Virginians for Fair Redistricting. (Attachments: # 1 Proposed Order)(Durrette, Wyatt) (Entered: 04/17/2017)
4/17/2017	145	(RECEIVED ONLY - PENDING RULING BY COURT) Memorandum *Statement of Position as Amicus Curiae* to 144 MOTION for Leave to File *a Statement of Position as Amicus Curiae* filed by OneVirginia2021: Virginians for Fair Redistricting. (Durrette, Wyatt) Modified docket text on 4/18/2017 (sbea,). (Entered: 04/17/2017)

Date Filed	#	Docket Text
4/17/2017	146	Response to 136 Order *Statement of Position Regarding the Conduct of Further Proceedings* filed by William J. Howell, Virginia House of Delegates. (Mcknight, Katherine) Modified docket text on 4/17/2017. (sbea,) (Entered: 04/17/2017)
4/17/2017	147	Response to 136 Order *Defendants' Statement of Position* filed by James B. Alcorn, Edgardo Cortes, Singleton B. McAllister, Virginia Department of Elections, Virginia State Board of Elections, Clara Belle Wheeler. (Raphael, Stuart) Modified docket text on 4/18/2017 (sbea,). (Entered: 04/17/2017)
4/17/2017	148	Response to 136 Order *Plaintiffs Statement of Position Regarding Further Proceedings* filed by Golden Bethune-Hill, Christa Brooks, Chauncey Brown, Thomas Calhoun, Atoy Carrington, Davinda Davis, Alfreda Gordon, Cherrelle Hurt, Terrell Kingwood, Tavarris Spinks, Mattie Mae Urquhart, Vivian Williamson, Sheppard

Date Filed	#	Docket Text
		Roland Winston. (Attachments: # 1 Exhibit A, # 2 Exhibit B)(Branch, Aria) Modified docket text on 4/18/2017 (sbea,). (Entered: 04/17/2017)
		***
4/21/2017	149	ORDER that by May 1, 2017, OneVirginia2021, the Defendants and the Intervenor-Defendants shall file Statements of Position explaining (1) whether the substantive issue raised in the proposed 145 STATEMENT OF POSITION OF ONEVIRGINIA2021 AS AMICUS CURIAE is presented by the pleadings in this action, and (2) if that issue is not presented by the pleadings, how, if at all, can it be considered in these proceedings on remand; and by May 8, 2017, the Plaintiffs shall file a response to the MOTION OF ONEVIRGINIA2021 FOR LEAVE TO FILE A STATEMENT OF POSITION AS AMICUS CURIAE. See Order for complete details. Signed by District Judge Robert E. Payne on 4/21/2017. (jsmi,) (Entered: 04/21/2017)

Date Filed	#	Docket Text
5/1/2017	150	Defendants' Response to the Parties' Statements of Position & to the Issues Raised in the Court's April 21, 2017 Order re: 149 Order and 136 Order filed by James B. Alcorn, Edgardo Cortes, Singleton B. McAllister, Virginia Department of Elections, Virginia State Board of Elections, Clara Belle Wheeler. (Raphael, Stuart) Modified docket text on 5/1/2017 (sbea,). (Entered: 05/01/2017)
5/1/2017	151	Response to 149 Order,, filed by OneVirginia2021: Virginians for Fair Redistricting. (Durrette, Wyatt) (Entered: 05/01/2017)
5/1/2017	152	Response to 149 Order,, *Defendant-Intervenors' Response Brief Regarding the Conduct of Further Proceedings* filed by William J. Howell, Virginia House of Delegates. (Mcknight, Katherine) (Entered: 05/01/2017)
5/1/2017	153	Response *to Defendant-Intervenors' Statement of Position Regarding Further Proceedings* filed by Golden Bethune-Hill, Christa Brooks, Chauncey Brown, Thomas Calhoun, Atoy Carrington,

Date Filed	#	Docket Text
		Davinda Davis, Alfreda Gordon, Cherrelle Hurt, Tavarris Spinks, Mattie Mae Urquhart, Vivian Williamson, Sheppard Roland Winston re: 136 Order. (Branch, Aria) Modified docket text on 5/2/2017 (sbea,). (Entered: 05/01/2017)
5/5/2017	154	ORDER that by May 16, 2017, the parties each shall file a copy of the MEMORANDUM OPINION (ECF No. 108) in which the factual findings that are thought to remain in effect are highlighted in yellow and the legal conclusions thought to remain in effect are highlighted in pink. It is further ORDERED that, by May 16, 2017, the parties shall file a brief, not to exceed ten (10) pages, that sets out the authority on which they rely to support the view that the highlighted text of the MEMORANDUM OPINION (ECF No. 108) remains in effect on remand. It is so ORDERED. Signed by District Judge Robert E. Payne on 5/5/2017. (sbea,) (Entered: 05/05/2017)
5/8/2017	155	Response re: 144 *Motion for Leave to File a Statement of*

Date Filed	#	Docket Text
		Position Re: OneVirginia2021 Amicus Brief filed by Golden Bethune-Hill, Christa Brooks, Chauncey Brown, Thomas Calhoun, Atoy Carrington, Davinda Davis, Alfreda Gordon, Cherrelle Hurt, Tavarris Spinks, Mattie Mae Urquhart, Vivian Williamson, Sheppard Roland Winston. (Branch, Aria) Modified docket text on 5/9/2017 (sbea,). (Entered: 05/08/2017)
5/16/2017	156	Response to 154 Order,, *[Defendants' Response to the Court's May 5, 2017 Order]* filed by James B. Alcorn, Edgardo Cortes, Singleton B. McAllister, Virginia Department of Elections, Virginia State Board of Elections, Clara Belle Wheeler. (Raphael, Stuart) (Entered: 05/16/2017)
5/16/2017	157	Response to 154 Order,, *Defendant-Intervenors' Brief in Support of Their Position on the Effect of This Court's Previous Findings of Law and Fact* filed by William J. Howell, Virginia House of Delegates. (Attachments: # 1 Exhibit A) (Mcknight, Katherine) (Entered: 05/16/2017)

Date Filed	#	Docket Text
5/16/2017	158	Response to 154 Order,, *Plaintiffs' Brief in Support of Highlighted Text* filed by Golden Bethune-Hill, Christa Brooks, Chauncey Brown, Thomas Calhoun, Atoy Carrington, Davinda Davis, Alfreda Gordon, Cherrelle Hurt, Terrell Kingwood, Tavarris Spinks, Mattie Mae Urquhart, Vivian Williamson, Sheppard Roland Winston. (Attachments: # 1 Appendix A)(Branch, Aria) (Entered: 05/16/2017)
5/31/2017	159	ORDER that the MOTION OF ONEVIRGINIA2021 FOR LEAVE TO FILE A STATEMENT OF POSITION AS AMICUS CURIAE (ECF No. 144) is denied. It is further ORDERED that the facts and legal contentions are adequately presented in the materials before the Court and oral argument would not aid the decisional process. See Order for details. It is so ORDERED. Signed by District Judge Robert E. Payne on 5/31/2017. (sbea,) (Entered: 05/31/2017)
6/2/2017	160	ORDER that the parties shall present such evidence as they

Date Filed	#	Docket Text
		shall be advised so that the Court can comply with the decision, and the remand Order, of the Supreme Court of the United States, including, without limitation, the testimony of Delegate Chris Jones, other members of the Virginia House of Delegates, expert witnesses on demographics and racially polarized voting and the statistical significance thereof; and that the parties shall be permitted to conduct such reasonable and necessary discovery respecting the evidence that they intend to present. A **Final Pretrial Conference, if necessary, will be held at 9:30 a.m. on September 29, 2017 at the Albert V. Bryan United States Courthouse in Alexandria, Virginia**; and **the Court will hear evidence on October 10, 11, and 12, 2017 at a location to be announced**. See Order for complete details. It is so ORDERED. Signed by District Judge Robert E. Payne

Date Filed	#	Docket Text
		on 6/2/2017. (sbea,) (Entered: 06/02/2017)
6/2/2017		Set/Reset Hearings: Final Pretrial Conference set for 9/29/2017 at 09:30 AM in ALX1 US District Court - Alexandria Division before District Judge Robert E. Payne. (khan,) (Entered: 06/02/2017)
6/12/2017	161	NOTICE by Golden Bethune-Hill, Christa Brooks, Chauncey Brown, Thomas Calhoun, Atoy Carrington, Davinda Davis, Alfreda Gordon, Cherrelle Hurt, Tavarris Spinks, Mattie Mae Urquhart, Vivian Williamson, Sheppard Roland Winston *Plaintiffs' Advisory to the Court on Pursuit of Racial Gerrymandering Claims* (Branch, Aria) (Entered: 06/12/2017)
6/19/2017	162	Consent MOTION for Extension *of Time For Plaintiffs to Disclose Expert Witnesses* by Golden Bethune-Hill, Christa Brooks, Chauncey Brown, Thomas Calhoun, Atoy Carrington, Davinda Davis, Alfreda Gordon, Cherrelle Hurt, Tavarris Spinks, Mattie Mae Urquhart, Vivian Williamson, Sheppard Roland

Date Filed	#	Docket Text
		Winston. (Attachment: # 1 Proposed Order) (Branch, Aria). Clerk replaced "Proposed Order" on 6/20/2017. NEF was regenerated. (sbea,). Modified docket text on 6/20/2017 (sbea,). (Entered: 06/19/2017)
6/19/2017	163	*Plaintiffs'* Witness List by Golden Bethune-Hill, Christa Brooks, Chauncey Brown, Thomas Calhoun, Atoy Carrington, Davinda Davis, Alfreda Gordon, Cherrelle Hurt, Tavarris Spinks, Mattie Mae Urquhart, Vivian Williamson, Sheppard Roland Winston. (Branch, Aria) (Entered: 06/19/2017)
6/21/2017	164	ORDER that the CONSENT MOTION FOR EXTENSION OF TIME FOR PLAINTIFFS TO DISCLOSE EXPERT WITNESSES (ECF No. 162) is granted and that the dates for compliance with the requirements of paragraphs (4) and (5) of the ORDER (ECF No. 160) are extended from June 19, 2017 to July 3, 2017 and from June 30, 2017 to July 14, 2017, respectively. It is so ORDERED. Signed by District Judge Robert

Date Filed	#	Docket Text
		E. Payne on 6/21/2017. (sbea,) (Entered: 06/21/2017)
6/30/2017	165	*Defendants'* Witness List by James B. Alcorn, Edgardo Cortes, Singleton B. McAllister, Virginia Department of Elections, Virginia State Board of Elections, Clara Belle Wheeler. (Cox, Trevor) (Entered: 06/30/2017)
6/30/2017	166	*Defendant-Intervenors'* Witness List by William J. Howell, Virginia House of Delegates. (Mcknight, Katherine) (Entered: 06/30/2017)
7/3/2017	167	*Plaintiffs' Supplemental Expert* Witness List by Golden Bethune-Hill, Christa Brooks, Chauncey Brown, Thomas Calhoun, Atoy Carrington, Davinda Davis, Alfreda Gordon, Cherrelle Hurt, Tavarris Spinks, Mattie Mae Urquhart, Vivian Williamson, Sheppard Roland Winston. (Branch, Aria) (Entered: 07/03/2017)
7/5/2017	168	MOTION to Amend the Scheduling Order re: 160 Order by William J. Howell, Virginia House of Delegates. (Attachment: # 1 Proposed

Date Filed	#	Docket Text
		Order) (Mcknight, Katherine). Modified docket text on 7/6/2017 (sbea,). (Entered: 07/05/2017)
7/5/2017	169	Memorandum in Support re: 168 MOTION to Amend the Scheduling Order and 160 Order filed by William J. Howell, Virginia House of Delegates. (Mcknight, Katherine). Modified docket text on 7/6/2017 (sbea,). (Entered: 07/05/2017)
7/6/2017	170	Memorandum in Opposition re: 168 MOTION to Amend Scheduling Order and 160 Order filed by Golden Bethune-Hill, Christa Brooks, Chauncey Brown, Thomas Calhoun, Atoy Carrington, Davinda Davis, Alfreda Gordon, Cherrelle Hurt, Terrell Kingwood, Tavarris Spinks, Mattie Mae Urquhart, Vivian Williamson, Sheppard Roland Winston. (Branch, Aria). Modified docket text on 7/6/2017 (sbea,). (Entered: 07/06/2017)
7/6/2017		Notice of Correction re: 170 Memorandum in Opposition, Clerk notified filing attorney of proper filing procedures for responsive pleadings. No further

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		action is required. (sbea,) (Entered: 07/06/2017)
7/11/2017		Minute Entry for proceedings held before District Judge Robert E. Payne: Telephone Conference held on 7/11/2017. (Court Reporter Peppy Peterson, OCR.)(khan,) (Entered: 08/07/2017)
7/12/2017	172	ORDER that for reasons that will be set out in a forthcoming Memorandum Order, the Defendant-Intervenors' Motion To Amend the Scheduling Order (ECF No. 168) is hereby DENIED. It is so ORDERED. Signed by District Judge Robert E. Payne on 07/12/2017. (walk,) (Entered: 07/12/2017)
7/13/2017	173	MEMORANDUM ORDER. See Order for details. It is so ORDERED. Signed by District Judge Robert E. Payne on 7/13/2017. (sbea,) (Entered: 07/13/2017)
7/17/2017	174	TRANSCRIPT of proceedings held on July 12, 2017, before Judge Robert E. Payne, Court Reporter Peppy Peterson, Telephone number 804-916-2267. NOTICE RE

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		REDACTION OF TRANSCRIPTS: The parties have thirty (30) calendar days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be made remotely electronically available to the public without redaction after 90 calendar days. The policy is located on our website at www.vaed.uscourts.gov Transcript may be viewed at the court public terminal or purchased through the court reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER Redaction Request due 8/16/2017. Redacted Transcript Deadline set for 9/18/2017. Release of Transcript Restriction set for 10/16/2017.(peterson, peppy) (Entered: 07/17/2017)
7/18/2017	175	STIPULATION re 160 Order, *Joint Statement of Stipulation Regarding Factual Findings and Conclusions of Law* by Golden

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		Bethune-Hill, Christa Brooks, Chauncey Brown, Thomas Calhoun, Atoy Carrington, Davinda Davis, Alfreda Gordon, Cherrelle Hurt, Terrell Kingwood, Tavarris Spinks, Mattie Mae Urquhart, Vivian Williamson, Sheppard Roland Winston. (Branch, Aria) (Entered: 07/18/2017)
7/18/2017	176	STIPULATION re 160 Order, *Joint Statement of Questions Presented* by Golden Bethune-Hill, Chauncey Brown, Thomas Calhoun, Atoy Carrington, Davinda Davis, Alfreda Gordon, Cherrelle Hurt, Terrell Kingwood, Tavarris Spinks, Mattie Mae Urquhart, Vivian Williamson, Sheppard Roland Winston. (Branch, Aria) (Entered: 07/18/2017)
8/8/2017	178	MOTION to Amend/Correct *Complaint* by Golden Bethune-Hill. (Attachments: # 1 Exhibit A - Second Amended Complaint, # 2 Exhibit B - Proposed Order)(Branch, Aria). (Clerk replaced main document 177, Exhibit A and Exhibit B with a corrected page on 8/8/2017 per filing attorney). NEF was

Date Filed	#	Docket Text
		regenerated. Modified docket text on 8/8/2017 (sbea,). (Entered: 08/08/2017)
8/11/2017	179	ORDER. Having considered the MOTION TO WITHDRAW, and for good cause shown, it is hereby ORDERED that the MOTION TO WITHDRAW (ECF No. 178) is granted. It is further ORDERED that the Clerk shall remove Stuart A. Raphael, Esquire as counsel of record for the defendants. It is so ORDERED. Signed by District Judge Robert E. Payne on 08/10/2017. (nbrow) (Entered: 08/11/2017)
8/15/2017	180	Consent MOTION to Substitute Party by Golden Bethune-Hill. (Attachments: # 1 Proposed Order)(Branch, Aria) (Entered: 08/15/2017)
8/16/2017	181	ORDER that the motion is GRANTED. Plaintiff Wayne Dawkins shall be substituted for Davinda Davis and Plaintiffs Atiba Muse and Nancy Ross shall be substituted for Vivian Williamson. The Amended Complaint filed by Plaintiffs (Dkt. No. 71) shall remain the operative complaint in this

Date Filed	#	Docket Text
		matter, and the answers previously filed by Defendants (Dkt. No. 31) and Intervenor-Defendants (Dkt. No. 27) shall remain the operative answers in this matter. It is so ORDERED. Signed by District Judge Robert E. Payne on 8/16/2017. (sbea,) (Entered: 08/16/2017)
8/16/2017	182	ORDER that the UNOPPOSED MOTION TO ALLOW FILING OF SECOND AMENDED COMPLAINT (ECF No. 177) is denied as moot. It is so ORDERED. Signed by District Judge Robert E. Payne on 8/16/2017. (sbea,) (Entered: 08/16/2017)
8/18/2017		Appeal Record Returned re 110 Notice of Appeal: Appeal Record Returned by SUPREME COURT OF THE UNITED STATES as to 110 Notice of Appeal: Three boxes of trial exhibits as detailed in 120 Notice of Transmission. These documents will be kept in Richmond Division in exhibit storage room. (lbre,) (Entered: 09/07/2017)

Date Filed	#	Docket Text
8/28/2017	183	ORDER that a Final Pretrial Conference, if necessary, shall be held at 9:30 a.m. 9/29/17, Fourth Floor Conference Room, Albert V. Bryan United States Courthouse in Alexandria, Virginia. It is further ORDERED that the trial shall be held at 9:30 a.m. October 10, 11 and 12, 2017 Courtroom 7000, Spottswood Robinson III and Robert R. Merhige, Jr., United States Courthouse in Richmond, Virginia. Signed by District Judge Robert E. Payne on 8/24/17. (khan,) (Entered: 08/28/2017)
8/28/2017		Set/Reset Hearings: Bench Trial set for 10/10/2017 at 09:30 AM in Richmond Courtroom 7000 before District Judge Robert E. Payne. (khan,) (Entered: 08/28/2017)
8/28/2017		Set/Reset Hearings: Final Pretrial Conference set for 9/29/2017 at 09:30 AM in ALX1 US District Court - Alexandria Division before District Judge Robert E. Payne. (khan,) (Entered: 08/28/2017)

Date Filed	#	Docket Text
9/6/2017	184	ORDER that the trial to be held on October 10, 11 and 12, 2017, the parties shall use new sets of exhibits that are keyed to issues actually to be tried in this trial and that the sets of exhibits to be used by witnesses and the sets to be delivered to chambers of the judges shall be placed in notebooks that are properly indexed and tabbed for easy reference. It is further ORDERED that by September 21, 2017, the parties shall file an agenda for the Final Pretrial Conference to be held on September 29, 2017. Signed by District Judge Robert E. Payne on 9/6/17. (jtho,) (Entered: 09/06/2017)
9/8/2017	185	*Plaintiffs'* Witness List by Golden Bethune-Hill, Christa Brooks, Chauncey Brown, Thomas Calhoun, Atoy Carrington, Wayne Dawkins, Alfreda Gordon, Cherrelle Hurt, Atiba Muse, Nancy Ross, Tavarris Spinks, Mattie Mae Urquhart, Sheppard Roland Winston. (Branch, Aria) (Entered: 09/08/2017)

Date Filed	#	Docket Text
9/8/2017	186	*Plaintiffs'* Exhibit List by Golden Bethune-Hill, Christa Brooks, Chauncey Brown, Thomas Calhoun, Atoy Carrington, Wayne Dawkins, Alfreda Gordon, Cherrelle Hurt, Atiba Muse, Nancy Ross, Tavarris Spinks, Mattie Mae Urquhart, Sheppard Roland Winston.. (Attachments: # 1 Exhibit List)(Branch, Aria) (Entered: 09/08/2017)
9/14/2017	187	Exhibit List by William J. Howell, Virginia House of Delegates. (Attachments: # 1 Exhibit A - Trial Exhibit List)(Mcknight, Katherine) (Entered: 09/14/2017)
9/14/2017	188	Witness List by William J. Howell, Virginia House of Delegates. (Mcknight, Katherine) (Entered: 09/14/2017)
9/14/2017	189	Exhibit List by James B. Alcorn, Edgardo Cortes, Singleton B. McAllister, Virginia Department of Elections, Virginia State Board of Elections, Clara Belle Wheeler.. (Cox, Trevor) (Entered: 09/14/2017)

Date Filed	#	Docket Text
9/14/2017	190	Witness List by James B. Alcorn, Edgardo Cortes, Singleton B. McAllister, Virginia Department of Elections, Virginia State Board of Elections, Clara Belle Wheeler. (Cox, Trevor) (Entered: 09/14/2017)
9/18/2017	191	*Plaintiffs' Supplemental* Exhibit List by Golden Bethune-Hill, Christa Brooks, Chauncey Brown, Thomas Calhoun, Atoy Carrington, Wayne Dawkins, Alfreda Gordon, Cherrelle Hurt, Atiba Muse, Nancy Ross, Tavarris Spinks, Mattie Mae Urquhart, Sheppard Roland Winston.. (Branch, Aria) (Entered: 09/18/2017)
9/18/2017	192	*Defendant-Intervenors' Objections to Plaintiffs' Discovery Designations and* Exhibit List by William J. Howell, Virginia House of Delegates.. (Mcknight, Katherine) (Entered: 09/18/2017)
9/18/2017	193	Objection *to Defendant-Intervenors' Discovery Designations* filed by Golden Bethune-Hill, Christa Brooks, Chauncey Brown, Thomas Calhoun, Atoy Carrington,

Date Filed	#	Docket Text
		Wayne Dawkins, Alfreda Gordon, Cherrelle Hurt, Atiba Muse, Nancy Ross, Tavarris Spinks, Mattie Mae Urquhart, Sheppard Roland Winston. (Branch, Aria) (Entered: 09/18/2017)
9/18/2017	194	Objection *to Defendant-Intervenors' Proposed Trial Exhibits* filed by Golden Bethune-Hill, Christa Brooks, Chauncey Brown, Thomas Calhoun, Atoy Carrington, Wayne Dawkins, Alfreda Gordon, Cherrelle Hurt, Atiba Muse, Nancy Ross, Tavarris Spinks, Mattie Mae Urquhart, Sheppard Roland Winston. (Branch, Aria) (Clerk added Exhibit A per filing attorney's request. Exhibits B and C were re-added to correct the order of placement of exhibits on 9/19/2017: # 1 Exhibit A Defendant Interventors TX 102 - Part 1, # 2 Exhibit A DEFENDANT INTERVENORS TX 102 - Part 2, # 4 Exhibit B, # 5 Exhibit C). The NEF was regenerated. Modified docket text on 9/19/2017 (sbea,). (Entered: 09/18/2017)

Date Filed	#	Docket Text
9/20/2017	195	NOTICE by William J. Howell, Virginia House of Delegates re 194 Objection,, (Mcknight, Katherine) (Entered: 09/20/2017)
9/20/2017	196	*Supplemental* Exhibit List by William J. Howell, Virginia House of Delegates re: 187 Exhibit List. (Attachment: # 1 Exhibit A - Supplemental Trial Exhibit List) (Mcknight, Katherine) Modified docket text on 9/21/2017 (sbea,). (Entered: 09/20/2017)
9/21/2017	197	NOTICE by William J. Howell, Virginia House of Delegates *of Joint Proposed Agenda for Final Pretrial Conference* (Mcknight, Katherine) (Entered: 09/21/2017)
9/21/2017	198	Objection *(Further) to Defendant Intervenors' Proposed Trial Exhibits* filed by Golden Bethune-Hill, Christa Brooks, Chauncey Brown, Thomas Calhoun, Atoy Carrington, Wayne Dawkins, Alfreda Gordon, Cherrelle Hurt, Atiba Muse, Nancy Ross, Tavarris Spinks, Mattie Mae Urquhart, Sheppard Roland Winston.

Date Filed	#	Docket Text
		(Attachments: # 1 Exhibit A Defendant Intervenors TX 106, # 2 Exhibit B Defendant Intervenors TX 107, # 3 Exhibit C Defendant Intervenors TX 2015 requests, # 4 Exhibit D Defendant Intervenors TX 2017 requests, # 5 Exhibit E Defendant Intervenors TX 108, # 6 Exhibit F Defendant Intervenors TX 109, # 7 Exhibit G Defendant Intervenors TX 110, # 8 Exhibit H Defendant Intervenors TX 111, # 9 Exhibit I Defendant Intervenors TX 143) (Branch, Aria) (Entered: 09/21/2017)
9/22/2017		Minute Entry for proceedings held before District Judge Robert E. Payne: Telephone Conference held on 9/22/2017. (Court Reporter Peppy Peterson, OCR.)(khan,) (Entered: 10/11/2017)
9/23/2017	199	TRANSCRIPT of proceedings held on September 22, 2017, before Judge Robert E. Payne, Court Reporter Peppy Peterson, Telephone number 804-916-2267 . **NOTICE RE REDACTION OF TRANSCRIPTS:** The parties have thirty (30)

Date Filed	#	Docket Text
		calendar days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be made remotely electronically available to the public without redaction after 90 calendar days. The policy is located on our website at www.vaed.uscourts.gov Transcript may be viewed at the court public terminal or purchased through the court reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER Redaction Request due 10/23/2017. Redacted Transcript Deadline set for 11/24/2017. Release of Transcript Restriction set for 12/22/2017.(peterson, peppy) (Entered: 09/23/2017)
9/25/2017	200	Objection *to Defendant-Intervenors' Discovery Designations* filed by Golden Bethune-Hill, Christa Brooks, Chauncey Brown, Thomas Calhoun, Atoy Carrington, Wayne Dawkins, Alfreda

Date Filed	#	Docket Text
		Gordon, Cherrelle Hurt, Atiba Muse, Nancy Ross, Tavarris Spinks, Mattie Mae Urquhart, Sheppard Roland Winston. (Branch, Aria) (Entered: 09/25/2017)
9/25/2017	201	Declaration re 200 Objection, by Golden Bethune-Hill, Christa Brooks, Chauncey Brown, Thomas Calhoun, Atoy Carrington, Wayne Dawkins, Alfreda Gordon, Cherrelle Hurt, Atiba Muse, Nancy Ross, Tavarris Spinks, Mattie Mae Urquhart, Sheppard Roland Winston. (Attachments: # 1 Exhibit A-DIs 2015 Marston Rebuttal Designations, # 2 Exhibit B- re Plaintiffs' Discovery Designations, # 3 Exhibit C-DIs 2017 Marston Rebuttal Designations)(Branch, Aria) (Entered: 09/25/2017)
9/25/2017	202	Objection *to Plaintiffs' Discovery Designations* filed by William J. Howell, Virginia House of Delegates. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D) (Mcknight, Katherine) (Entered: 09/25/2017)

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9/26/2017	203	TRIAL BRIEF by William J. Howell, Virginia House of Delegates. (Attachments: # 1 Exhibit A) (Raile, Richard) (Entered: 09/26/2017)
9/26/2017	204	TRIAL BRIEF by James B. Alcorn, Edgardo Cortes, Singleton B. McAllister, Virginia Department of Elections, Virginia State Board of Elections, Clara Belle Wheeler. (Cox, Trevor) (Entered: 09/26/2017)
9/26/2017	205	TRIAL BRIEF by Golden Bethune-Hill, Christa Brooks, Chauncey Brown, Thomas Calhoun, Atoy Carrington, Wayne Dawkins, Alfreda Gordon, Cherrelle Hurt, Atiba Muse, Nancy Ross, Tavarris Spinks, Mattie Mae Urquhart, Sheppard Roland Winston. (Attachments: # 1 Appendix A, # 2 Appendix B)(Branch, Aria) (Entered: 09/26/2017)
9/27/2017	206	Reply to 202 *Defendant-Intervenors' Objections to Plaintiff's Discovery Designations* filed by Golden Bethune-Hill, Christa Brooks, Chauncey Brown, Thomas Calhoun, Atoy Carrington,

Date Filed	#	Docket Text
		Wayne Dawkins, Alfreda Gordon, Cherrelle Hurt, Atiba Muse, Nancy Ross, Tavarris Spinks, Mattie Mae Urquhart, Sheppard Roland Winston. (Branch, Aria). Modified docket text on 9/28/2017 (sbea,). (Entered: 09/27/2017)
9/27/2017	207	Reply to 200 Objection, filed by William J. Howell, Virginia House of Delegates. (Mcknight, Katherine) (Entered: 09/27/2017)
9/27/2017	208	Statement of Undisputed Facts by Golden Bethune-Hill, Christa Brooks, Chauncey Brown, Thomas Calhoun, Atoy Carrington, Wayne Dawkins, Alfreda Gordon, Cherrelle Hurt, Atiba Muse, Nancy Ross, Tavarris Spinks, Mattie Mae Urquhart, Sheppard Roland Winston. (Attachments: # 1 Exhibit) (Branch, Aria) (Entered: 09/27/2017)
9/28/2017	209	NOTICE *of Joint Submission Regarding Anticipated Length of Witness Testimony* by Golden Bethune-Hill, Christa Brooks, Chauncey Brown, Thomas Calhoun, Atoy Carrington, Wayne Dawkins, Alfreda

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		Gordon, Cherrelle Hurt, Atiba Muse, Nancy Ross, Tavarris Spinks, Mattie Mae Urquhart, Sheppard Roland Winston (Branch, Aria). Modified docket text on 9/29/2017 (sbea,). (Entered: 09/28/2017)
10/1/2017	210	TRANSCRIPT of proceedings held on September 29, 2017, before Judge Robert E. Payne, Court Reporter Peppy Peterson, Telephone number 804-916-2267. **NOTICE RE REDACTION OF TRANSCRIPTS: The parties have thirty (30) calendar days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be made remotely electronically available to the public without redaction after 90 calendar days. The policy is located on our website at www.vaed.uscourts.gov** **Transcript may be viewed at the court public terminal or purchased through the court reporter before the deadline for Release of Transcript**

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		Restriction. After that date it may be obtained through PACER Redaction Request due 10/31/2017. Redacted Transcript Deadline set for 12/1/2017. Release of Transcript Restriction set for 1/2/2018. (peterson, peppy) (Entered: 10/01/2017)
10/2/2017	211	Memorandum *Regarding Deposition Designations* filed by Golden Bethune-Hill, Christa Brooks, Chauncey Brown, Thomas Calhoun, Atoy Carrington, Wayne Dawkins, Alfreda Gordon, Cherrelle Hurt, Atiba Muse, Nancy Ross, Tavarris Spinks, Mattie Mae Urquhart, Sheppard Roland Winston. (Attachments: # 1 Exhibit A)(Branch, Aria) (Entered: 10/03/2017)
10/3/2017	213	Reply to 211 Memorandum, *Regarding Deposition Designations* filed by William J. Howell, Virginia House of Delegates. (Attachments: # 1 Exhibit A) (Mcknight, Katherine) (Entered: 10/03/2017)
10/3/2017	214	STIPULATION *Regarding Deposition Designations* by

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		Golden Bethune-Hill, Christa Brooks, Chauncey Brown, Thomas Calhoun, Atoy Carrington, Wayne Dawkins, Alfreda Gordon, Cherrelle Hurt, Atiba Muse, Nancy Ross, Tavarris Spinks, Mattie Mae Urquhart, Sheppard Roland Winston. (Branch, Aria) (Entered: 10/03/2017)
10/4/2017	215	ORDER that each counsel shall make opening statements and closing arguments that will not exceed fifteen minutes. In that regard counsel are requested briefly to summarize new evidence addressing the factors other than race that were submitted in the formation of districts. It is further ORDERED that all trial sessions shall begin at 9:00 a.m. Signed by District Judge Robert E. Payne on 10/4/17. (jtho,) (Entered: 10/04/2017)
10/05/2017	217	ORDER that that the PLAINTIFFS' OBJECTIONS TO DEFENDANT-INTERVENORS' DISCOVERY DESIGNATIONS (ECF No. 200) and DEFENDANT-INTERVENORS' OBJECTIONS

Date Filed	#	Docket Text
		TO PLAINTIFFS' DISCOVERY DESIGNATIONS (ECF No. 202) are overruled as moot. It is so ORDERED. Signed by District Judge Robert E. Payne on 10/5/2017. (sbea,) (Entered: 10/05/2017)
10/06/2017	219	STIPULATION *REGARDING WITNESSES EXCLUDED FROM TRIAL* by Golden Bethune-Hill, Christa Brooks, Chauncey Brown, Thomas Calhoun, Atoy Carrington, Wayne Dawkins, Alfreda Gordon, Cherrelle Hurt, Atiba Muse, Nancy Ross, Tavarris Spinks, Mattie Mae Urquhart. (Branch, Aria) (Entered: 10/06/2017)
10/09/2017	220	NOTICE by Golden Bethune-Hill, Christa Brooks, Chauncey Brown, Thomas Calhoun, Atoy Carrington, Wayne Dawkins, Alfreda Gordon, Cherrelle Hurt, Atiba Muse, Nancy Ross, Tavarris Spinks, Mattie Mae Urquhart, Sheppard Roland Winston (Attachments: # 1 Exhibit A-D)(Branch, Aria) (Entered: 10/09/2017)
10/10/2017		Set/Reset Hearings: Bench Trial set for 10/11/2017at 09:00 AM in

Date Filed	#	Docket Text
		Richmond Courtroom 7000 before District Judge Robert E. Payne. (khan,) (Entered: 10/10/2017)
10/10/2017	221	Minute Entry for proceedings held before District Judge Robert E. Payne:DAY 1 Bench Trial held on 10/10/2017. Opening statements made. Plf's adduced evidence, Case continued to 10/11/17 at 9:00 a.m. (Court Reporter Peppy Peterson, OCR & Tracey Stroh.)(khan,) (Entered: 10/16/2017)
10/11/2017		Set/Reset Hearings: Bench Trial set for 10/12/2017 at 09:00 AM in Richmond Courtroom 7000 before District Judge Robert E. Payne. (khan,) (Entered: 10/11/2017)
10/11/2017	222	Minute Entry for proceedings held before District Judge Robert E. Payne:DAY 2 Bench Trial held on 10/11/2017. Plf adduced evidence, rested. Dft adduced evidence. Bench Trial continued to 10-12-17 at 9:00 a.m. (Court Reporter Peppy Peterson, OCR, Tracey Stroh.)(khan,) (Entered: 10/16/2017)

Date Filed	#	Docket Text
10/12/2017		Set/Reset Hearings: Bench Trial set for 10/13/2017 at 09:00 AM in Richmond Courtroom 7000 before District Judge Robert E. Payne. (khan,) (Entered: 10/12/2017)
10/12/2017	223	Minute Entry for proceedings held before District Judge Robert E. Payne:Day 3 Bench Trial held on 10/12/2017. Dfts adduced evidence. Continued to 10/13/17 at 9:00 a.m. (Court Reporter Peppy Peterson, OCR, Tracy Stroh.) (khan,) (Entered: 10/16/2017)
10/13/2017	224	Minute Entry for proceedings held before District Judge Robert E. Payne:Day 4 Bench Trial completed on 10/13/2017. Defendants adduced evidence, rested. Rebuttal evidence adduced, concluded. Evidence concluded. Arguments of counsel heard. Briefing schedule and page limit established. Each Judge kept a set of exhibits, each law clerk kept a set of exhibits -- all others returned to counsel. (Court Reporter Peppy Peterson, OCR, Tracy Stroh.)(khan,) (Entered: 10/16/2017)

Date Filed	#	Docket Text
10/17/2017	225	ORDER. For the reasons set forth on the record on October 13, 2017, it is hereby ORDERED that: (1) The Plaintiffs' Post-trial opening brief (keyed to citations from the record) shall be filed by October 30, 2017; all opposition briefs (keyed to citations from the record) shall be filed by November 13, 2017; and Plaintiffs' reply brief (keyed to citations from the record) shall be filed by November 22, 2017; (2) The briefs shall, inter alia, provide a districtby- district analysis for each challenged district; (3) The parties shall explain in general terms the remedies available in the event that the Court concludes that one, some, or all of the districts are unconstitutional; and (4) The length of the opening and opposition briefs shall be not more than fifty (50) pages, and the length of the reply brief shall be not more than twenty-five (25) pages. It is so ORDERED. Signed by District Judge Robert E. Payne on 10/17/2017. (nbrow) Modified on 10/17/2017 (nbrow,). (Entered: 10/17/2017)

Date Filed	#	Docket Text
10/26/2017	226	TRANSCRIPT of proceedings held on October 10, 2017, before Judge Robert E. Payne, Court Reporter Peppy Peterson, Telephone number 804-916-2267. **NOTICE RE REDACTION OF TRANSCRIPTS: The parties have thirty (30) calendar days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be made remotely electronically available to the public without redaction after 90 calendar days. The policy is located on our website at www.vaed.uscourts.gov Transcript may be viewed at the court public terminal or purchased through the court reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER Redaction Request due 11/27/2017. Redacted Transcript Deadline set for 12/26/2017. Release of Transcript Restriction set for**

Date Filed	#	Docket Text
		1/24/2018.(peterson, peppy) (Entered: 10/26/2017)
10/26/2017	227	TRANSCRIPT of proceedings held on October 11, 2017, before Judge Robert E. Payne, Court Reporter Peppy Peterson, Telephone number 804-916-2267. **NOTICE RE REDACTION OF TRANSCRIPTS: The parties have thirty (30) calendar days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be made remotely electronically available to the public without redaction after 90 calendar days. The policy is located on our website at www.vaed.uscourts.gov Transcript may be viewed at the court public terminal or purchased through the court reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER Redaction Request due 11/27/2017. Redacted Transcript Deadline set for**

Date Filed	#	Docket Text
		12/26/2017. Release of Transcript Restriction set for 1/24/2018.(peterson, peppy) (Entered: 10/26/2017)
10/26/2017	228	**TRANSCRIPT** of proceedings held on October 12, 2017, before Judge Robert E. Payne, Court Reporter Peppy Peterson, Telephone number 804-916-2267. **NOTICE RE REDACTION OF TRANSCRIPTS: The parties have thirty (30) calendar days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be made remotely electronically available to the public without redaction after 90 calendar days. The policy is located on our website at www.vaed.uscourts.gov Transcript may be viewed at the court public terminal or purchased through the court reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER Redaction Request**

Date Filed	#	Docket Text
		due 11/27/2017. Redacted Transcript Deadline set for 12/26/2017. Release of Transcript Restriction set for 1/24/2018.(peterson, peppy) (Entered: 10/26/2017)
10/26/2017	229	TRANSCRIPT of proceedings held on October 13, 2017, before Judge Robert E. Payne, Court Reporter Peppy Peterson, Telephone number 804-916-2267. **NOTICE RE REDACTION OF TRANSCRIPTS: The parties have thirty (30) calendar days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be made remotely electronically available to the public without redaction after 90 calendar days. The policy is located on our website at www.vaed.uscourts.gov Transcript may be viewed at the court public terminal or purchased through the court reporter before the deadline for Release of Transcript Restriction. After that date it**

Date Filed	#	Docket Text
		may be obtained through PACER Redaction Request due 11/27/2017. Redacted Transcript Deadline set for 12/26/2017. Release of Transcript Restriction set for 1/24/2018.(peterson, peppy) (Entered: 10/26/2017)
10/30/2017	230	TRIAL BRIEF *(Post-Trial Opening)* by Golden Bethune-Hill, Christa Brooks, Chauncey Brown, Thomas Calhoun, Atoy Carrington, Wayne Dawkins, Alfreda Gordon, Cherrelle Hurt, Atiba Muse, Nancy Ross, Tavarris Spinks, Mattie Mae Urquhart, Sheppard Roland Winston. (Attachments: # 1 Appendix A, # 2 Appendix B)(Branch, Aria) (Entered: 10/30/2017)
11/13/2017	231	TRIAL BRIEF *(Post Trial)* by William J. Howell, Virginia House of Delegates. (Attachments: # 1 Appendix A, # 2 Appendix B)(Mcknight, Katherine) (Entered: 11/13/2017)
11/13/2017	232	TRIAL BRIEF *(Post-Trial)* by James B. Alcorn, Edgardo Cortes, Singleton B. McAllister, Virginia Department of

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		Elections, Virginia State Board of Elections, Clara Belle Wheeler. (Cox, Trevor) (Entered: 11/13/2017)
11/22/2017	233	TRIAL BRIEF *(Post-Trial Reply)* by Golden Bethune-Hill, Christa Brooks, Chauncey Brown, Thomas Calhoun, Atoy Carrington, Wayne Dawkins, Alfreda Gordon, Atiba Muse, Nancy Ross, Tavarris Spinks, Mattie Mae Urquhart, Sheppard Roland Winston. (Branch, Aria) (Entered: 11/22/2017)
06/26/2018	234	MEMORANDUM OPINION. See Opinion for details. Signed by 3 Panel Judge on 6/26/2018. (sbea,) Modified on 6/26/2018 (sbea,). (Entered: 06/26/2018)
06/26/2018	235	ORDER that the matter of providing a redistricting plan to remedy the constitutional violations found in this case is referred to the Virginia General Assembly for exercise of its primary jurisdiction. The Virginia General Assembly should exercise this jurisdiction as expeditiously as possible, but not later than October 30, 2018, by adopting a new redistricting plan that eliminates the

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		constitutional infirmity in the Challenged Districts and reconfigures any other Districts that need to be redrawn to remedy the constitutional infirmity in the Challenged Districts. It is so ORDERED. Signed by United States Circuit Judge Barbara Milano Keenan on 6/26/2018. (sbea,) (Entered: 06/26/2018)
07/06/2018	236	NOTICE OF APPEAL to the United States Supreme Court re: 235 Order by William J. Howell, Virginia House of Delegates. Filing fee $ 505, receipt number 0422-6166333. (Mcknight, Katherine). PLEASE NOTE: Main Document 236 REPLACED on 07/09/2018. The Clerk's Office corrected the date error on page 2 from 2017 to 2018. (walk,). (Entered: 07/06/2018)
07/06/2018	237	MOTION to Stay re: 235 Order by William J. Howell, Virginia House of Delegates. (Mcknight, Katherine). Modified docket entry on 07/09/2018. (walk,). (Entered: 07/06/2018)
07/09/2018	238	NOTICE OF TRANSMISSION TO SUPREME COURT OF THE

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		UNITED STATES of: Notice of Appeal 236 , Memorandum Opinion 234 , Order 235 and docket report sent (via UPS) to Scott S. Harris, Clerk of the Court, United States Supreme Court. (lbre) (Entered: 07/09/2018)
07/09/2018	239	BILL OF COSTS by Golden Bethune-Hill, Christa Brooks, Chauncey Brown, Thomas Calhoun, Atoy Carrington, Wayne Dawkins, Alfreda Gordon, Cherrelle Hurt, Atiba Muse, Nancy Ross, Tavarris Spinks, Mattie Mae Urquhart, Sheppard Roland Winston. (Attachments: # 1 Exhibit A, # 2 Exhibit B)(Branch, Aria) (Entered: 07/09/2018)
07/10/2018	240	MOTION for Attorney Fees *and Litigation Expenses* by Golden Bethune-Hill, Christa Brooks, Chauncey Brown, Thomas Calhoun, Atoy Carrington, Wayne Dawkins, Alfreda Gordon, Cherrelle Hurt, Atiba Muse, Nancy Ross, Tavarris Spinks, Mattie Mae Urquhart, Sheppard Roland Winston. (Attachments: # 1 Proposed

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		Order)(Branch, Aria) (Entered: 07/10/2018)
07/10/2018	241	Memorandum in Support re 240 MOTION for Attorney Fees *and Litigation Expenses* filed by Golden Bethune-Hill, Christa Brooks, Chauncey Brown, Thomas Calhoun, Atoy Carrington, Wayne Dawkins, Alfreda Gordon, Cherrelle Hurt, Atiba Muse, Nancy Ross, Tavarris Spinks, Mattie Mae Urquhart, Sheppard Roland Winston. (Attachments: # 1 Appendix A, # 2 Appendix B, # 3 Affidavit of Kevin Hamilton, # 4 Exhibit A to the Declaration of Kevin Hamilton)(Branch, Aria) (Entered: 07/10/2018)
07/12/2018	242	MOTION to Withdraw as Attorney by James B. Alcorn, Edgardo Cortes, Singleton B. McAllister, Virginia Department of Elections, Virginia State Board of Elections, Clara Belle Wheeler. (Attachments: # 1 Proposed Order) (Cox, Trevor) (Entered: 07/12/2018)
07/13/2018	243	Consent MOTION for Extension of Time to File Response/Reply as to 240 MOTION for Attorney Fees *and Litigation Expenses* by

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		James B. Alcorn, Edgardo Cortes, Singleton B. McAllister, Virginia Department of Elections, Virginia State Board of Elections, Clara Belle Wheeler. (Attachments: # 1 Proposed Order)(McGuire, Matthew) (Entered: 07/13/2018)
07/13/2018	244	ORDER that the CONSENT MOTION FOR EXTENSION OF TIME TO REPLY TO PLAINTIFFS' MOTION FOR ATTORNEYS' FEES AND LITIGATION EXPENSES (ECF No. 243) is granted. Defendants' response to PLAINTIFFS' MOTION FOR ATTORNEYS' FEES AND LITIGATION EXPENSES (ECF No. 240) shall be filed no later than August 9, 2018. It is so ORDERED. Signed by District Judge Robert E. Payne on 7/13/2018. (sbea,) (Entered: 07/13/2018)
07/13/2018	245	ORDER GRANTING the 242 Motion of Trevor S. Cox to withdraw as attorney of record. Signed by District Judge Robert E. Payne on 7/13/2018. (sbea,) (Entered: 07/13/2018)
07/19/2018	246	Memorandum in Opposition re 237 MOTION to Stay re 235

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		Order,, filed by James B. Alcorn, Edgardo Cortes, Singleton B. McAllister, Virginia Department of Elections, Virginia State Board of Elections, Clara Belle Wheeler. (McGuire, Matthew) (Entered: 07/19/2018)
07/20/2018	247	Opposition *to Motion to Stay Pending Appeal* filed by Golden Bethune-Hill, Christa Brooks, Chauncey Brown, Thomas Calhoun, Atoy Carrington, Davinda Davis, Wayne Dawkins, Alfreda Gordon, Cherrelle Hurt, Atiba Muse, Nancy Ross, Tavarris Spinks, Mattie Mae Urquhart, Sheppard Roland Winston. (Branch, Aria) (Entered: 07/20/2018)
07/23/2018	248	NOTICE of Appearance by Toby Jay Heytens on behalf of James B. Alcorn, Edgardo Cortes, Singleton B. McAllister, Virginia Department of Elections, Virginia State Board of Elections, Clara Belle Wheeler (Heytens, Toby) (Entered: 07/23/2018)
07/25/2018	249	Reply to Motion re 237 MOTION to Stay re 235 Order,, *In Support of Motion for Stay* filed by William J. Howell, Virginia

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		House of Delegates. (Mcknight, Katherine) (Entered: 07/25/2018)
08/07/2018	250	ORDER that Defendant-Intervenors are hereby advised that appropriate steps must be taken forthwith to ensure that the proper persons, and only such persons, are designated as parties to this action. See Order for details. It is so ORDERED. Signed by District Judge Robert E. Payne on 8/7/2018. (sbea,) (Entered: 08/07/2018)
08/08/2018	251	NOTICE by Virginia House of Delegates, M. Kirkland Cox *of Substitution Under Rule 25(d)* (Mcknight, Katherine) (Entered: 08/08/2018)
08/08/2018	252	ORDER that a Notice of Appeal to the Supreme Court of the United States (ECF No. 236) has been filed and there is pending Defendant-Intervenors' Motion to Stay Injunction Pending Appeal Under 28 U.S.C. § 1253 (ECF No. 237). In the Defendants' Opposition to Intervenor-Defendants' Motion to Stay Injunction Pending Appeal Under 28 U.S.C. § 1253 (ECF No. 246) ("Defendants'

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		Opp."), it is represented that the Intervenor-Defendants do not intend to take the opportunity to redistrict afforded in paragraph 3 of the ORDER (ECF No. 235), (Defendants' Opp. p. 5 text and fn. 3) and, in their Reply Brief in Support of Motion for Stay (ECF No. 249), the Intervenor-Defendants have neither refuted, nor even responded to, that assertion. Under the current state of the record, and in the interest of justice and judicial economy, and in order that the Court can assess the Defendant-Intervenors' Motion to Stay Injunction Pending Appeal Under 28 U.S.C. § 1253 (ECF No. 237) with knowledge of whether there will be redistricting activity as envisioned by the ORDER (ECF No. 235), it is hereby ORDERED that, by August 24, 2018, the Intervenor-Defendants shall file a Statement of Position advising the Court whether the redistricting opportunity afforded in paragraph 3 of the ORDER (ECF No. 235) will, or will not, be pursued. It is so ORDERED. Signed by District

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		Judge Robert E. Payne on 08/08/2018. (walk,) (Entered: 08/08/2018)
08/09/2018	253	RESPONSE in Opposition re 240 MOTION for Attorney Fees *and Litigation Expenses* filed by James B. Alcorn, Edgardo Cortes, Singleton B. McAllister, Virginia Department of Elections, Virginia State Board of Elections, Clara Belle Wheeler. (Attachments: # 1 Exhibit A, # 2 Exhibit B)(McGuire, Matthew) (Entered: 08/09/2018)
08/15/2018	254	REPLY in Support re 240 MOTION for Attorney Fees *and Litigation Expenses* filed by Golden Bethune-Hill, Christa Brooks, Chauncey Brown, Thomas Calhoun, Atoy Carrington, Wayne Dawkins, Alfreda Gordon, Cherrelle Hurt, Atiba Muse, Nancy Ross, Tavarris Spinks, Mattie Mae Urquhart, Sheppard Roland Winston. (Attachments: # 1 Appendix A, # 2 Exhibit Second Declaration of Kevin J. Hamilton)(Branch, Aria). Modified docket text on

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		8/16/2018 (sbea,). (Entered: 08/15/2018)
08/24/2018	255	Statement of Position by M. Kirkland Cox, Virginia House of Delegates (Mcknight, Katherine) re: 252 Order. Modified on 8/27/2018 (sbea,). (Entered: 08/24/2018)
08/30/2018	256	ORDER that Denies the Defendant-Intervenors' 237 Motion to Stay Injunction Pending Appeal Under 28 U.S.C. § 1253. See Order for complete details. Signed by 3 Panel Judge on 8/30/2018. (sbea,) (Entered: 08/30/2018)
09/06/2018		US Supreme Ct Case Number 18-281 for 236 Notice of Appeal, filed by William J. Howell, Virginia House of Delegates. (lbre,) (Entered: 10/02/2018)
09/10/2018	257	MOTION to Alter Judgment *[Motion to Modify the Court's June 26, 2018 Order and Proceed Immediately with Remedial Phase]* by James B. Alcorn, Edgardo Cortes, Singleton B. McAllister, Virginia Department of Elections, Virginia State Board of Elections, Clara Belle

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		Wheeler. (Heytens, Toby) (Entered: 09/10/2018)
09/10/2018	258	Memorandum in Support re 257 MOTION to Alter Judgment *[Motion to Modify the Court's June 26, 2018 Order and Proceed Immediately with Remedial Phase]* filed by James B. Alcorn, Edgardo Cortes, Singleton B. McAllister, Virginia Department of Elections, Virginia State Board of Elections, Clara Belle Wheeler. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C)(Heytens, Toby) (Entered: 09/10/2018)
09/11/2018	259	ORDER that 1) Plaintiffs and Intervenor-Defendants shall file responses to the MOTION TO MODIFY THIS COURT'S JUNE 26, 2018 ORDER AND PROCEED IMMEDIATELY WITH REMEDIAL PHASE (ECF No. 257) by September 18, 2018; and 2) Defendants shall file a reply by September 21, 2018; and 3) In their response, the Intervenor-Defendants shall set forth in detail the measures taken (including dates), and to be taken, (including projected dates) to pursue the redistricting

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		opportunity afforded in the ORDER (ECF No. 235) as was represented to be the Intervenor-Defendants' intention in the Defendant-Intervenors' Statement of Position In Response to Court Order ECF No. 252 (ECF No. 255). It is so ORDERED. Signed by District Judge Robert E. Payne on 9/11/2018. (sbea,) (Entered: 09/11/2018)
09/12/2018	260	Opposition to 257 MOTION to Alter Judgment *[Motion to Modify the Court's June 26, 2018 Order and Proceed Immediately with Remedial Phase]* filed by M. Kirkland Cox, Virginia House of Delegates. (Attachments: # 1 Exhibit A) (Mcknight, Katherine) (Entered: 09/12/2018)
09/12/2018	261	RESPONSE to Motion re 257 MOTION to Alter Judgment *[Motion to Modify the Court's June 26, 2018 Order and Proceed Immediately with Remedial Phase]* filed by Golden Bethune-Hill, Christa Brooks, Chauncey Brown, Thomas Calhoun, Atoy Carrington, Wayne Dawkins, Alfreda Gordon, Cherrelle Hurt,

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		Atiba Muse, Nancy Ross, Tavarris Spinks, Mattie Mae Urquhart, Sheppard Roland Winston. (Branch, Aria) (Entered: 09/12/2018)
09/13/2018	262	REPLY to Response to Motion re 257 MOTION to Alter Judgment *[Motion to Modify the Court's June 26, 2018 Order and Proceed Immediately with Remedial Phase]* filed by James B. Alcorn, Edgardo Cortes, Singleton B. McAllister, Virginia Department of Elections, Virginia State Board of Elections, Clara Belle Wheeler. (Heytens, Toby) (Entered: 09/13/2018)
09/14/2018	263	ORDER that the MOTION TO MODIFY THIS COURT'S JUNE 26, 2018 ORDER AND PROCEED IMMEDIATELY WITH REMEDIAL PHASE (ECF No. 257) is granted in part and thus it is ORDERED that: 1) On September 20, 2018, the parties shall propose the names of candidates to serve herein as Special Master to aid in the redistricting process if that should become necessary; and, in their proposals, the parties shall set out the candidates'

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		qualifications and experience, the fee proposal by each candidate, and any restrictions on the candidates' ability or availability to serve as Special Master; and 2) By September 25, 2018, the parties shall have conferred and, on that date, the parties shall report whether they have agreed on any candidate(s); and, if there is objection to any proposed candidate, the objection shall be filed on September 26, 2018; and 3) Responses to any objections shall be filed on September 28, 2018; and 4) On September 28, 2018; October 5, 2018; October 19, 2018; and November 2, 2018, the Intervenor-Defendants shall file status reports on the progress of the redistricting efforts in the General Assembly. Otherwise, the MOTION TO MODIFY THIS COURT'S JUNE 26, 2018 ORDER AND PROCEED IMMEDIATELY WITH REMEDIAL PHASE (ECF No. 257) is denied. It is so ORDERED. Signed by District Judge Robert E. Payne on

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		9/14/2018. (sbea,) (Entered: 09/14/2018)
09/20/2018	264	NOTICE of Proposed Names of Candidates to Serve as Special Master by James B. Alcorn, Edgardo Cortes, Singleton B. McAllister, Virginia Department of Elections, Virginia State Board of Elections, Clara Belle Wheeler re 263 Order. (Attachments: # 1 Exhibit A - Grofman CV, # 2 Exhibit B - Persily CV)(Heytens, Toby). Modified docket text on 9/27/2018 (sbea, (Entered: 09/20/2018)
09/20/2018	265	Plaintiffs' Notice of Proposed Special Master Candidates by Golden Bethune- Hill, Christa Brooks, Chauncey Brown, Thomas Calhoun, Atoy Carrington, Wayne Dawkins, Alfreda Gordon, Cherrelle Hurt, Atiba Muse, Nancy Ross, Tavarris Spinks, Mattie Mae Urquhart, Sheppard Roland Winston (Branch, Aria). Modified docket text on 9/27/2018 (sbea,). (Entered: 09/20/2018)
09/20/2018	266	Defendant-Intervenors' Notice of Proposed Names of Candidates

Date Filed	#	Docket Text
		to Serve as Special Master by M. Kirkland Cox, Virginia House of Delegates. (Attachments: # 1 Exhibit A, # 2 Exhibit B)(Mcknight, Katherine). Modified docket text on 9/27/2018 (sbea,). (Entered: 09/20/2018)
09/25/2018	267	PARTIES REPORT ABOUT DISCUSSIONS REGARDING CANDIDATES TO SERVE AS SPECIAL MASTER by James B. Alcorn, Edgardo Cortes, Singleton B. McAllister, Virginia Department of Elections, Virginia State Board of Elections, Clara Belle Wheeler re: 263 Order (Heytens, Toby). Modified docket text on 9/25/2018 (sbea,). (Entered: 09/25/2018)
09/26/2018	268	Defendant-Intervenors' Objections to Proposed Experts by M. Kirkland Cox, Virginia House of Delegates re: 264 NOTICE, 265 NOTICE, *Objections to Proposed Experts* (Mcknight, Katherine). Modified docket text on 9/27/2018 (sbea,). (Entered: 09/26/2018)
09/26/2018	269	Plaintiffs' Opposition to Proposed Special Masters by

Date Filed	#	Docket Text
		Golden Bethune-Hill, Christa Brooks, Chauncey Brown, Thomas Calhoun, Atoy Carrington, Wayne Dawkins, Alfreda Gordon, Cherrelle Hurt, Atiba Muse, Nancy Ross, Tavarris Spinks, Mattie Mae Urquhart, Sheppard Roland Winston. (Attachments: # 1 Exhibit Excerpts of transcript of 2/24/15 hearing)(Branch, Aria). Modified docket text on 9/27/2018 (sbea,). (Entered: 09/26/2018)
09/26/2018	270	Defendants' Objections to Proposed Candidates to Serve as Special Master by James B. Alcorn, Edgardo Cortes, Singleton B. McAllister, Virginia Department of Elections, Virginia State Board of Elections, Clara Belle Wheeler re: 266 Defendant-Intervenors' Notice of Proposed Names of Candidates to Serve as Special Master, 265 Plaintiffs' Notice of Proposed Special Master Candidates (Heytens, Toby). Modified docket text on 9/27/2018 (sbea,). (Entered: 09/26/2018)

Date Filed	#	Docket Text
09/28/2018	271	Response to 268 NOTICE *[Defs' Resp. to Objections to Proposed Candidates to Serve As Special Master]* filed by James B. Alcorn, Edgardo Cortes, Singleton B. McAllister, Virginia Department of Elections, Virginia State Board of Elections, Clara Belle Wheeler. (Heytens, Toby) (Entered: 09/28/2018)
09/28/2018	272	Response to Objections to Proposed Experts re: 269 Plaintiffs' Opposition to Proposed Special Masters 270 Defendants' Objections to Proposed Candidates to Serve as Special Master filed by Virginia House of Delegates. (Mcknight, Katherine). Modified docket text on 10/1/2018 (sbea,). (Entered: 09/28/2018)
09/28/2018	273	Defendant-Intervenors' Status Report by M. Kirkland Cox, Virginia House of Delegates (Mcknight, Katherine). Modified docket text on 10/1/2018 (sbea,). (Entered: 09/28/2018)
09/28/2018	274	Response *to Defendant-Intervenors' Objections to Proposed Experts* filed by Golden Bethune-Hill, Christa Brooks, Chauncey Brown, Thomas

Date Filed	#	Docket Text
		Calhoun, Atoy Carrington, Wayne Dawkins, Alfreda Gordon, Cherrelle Hurt, Atiba Muse, Nancy Ross, Tavarris Spinks, Mattie Mae Urquhart, Sheppard Roland Winston. (Branch, Aria) (Entered: 09/28/2018)
10/05/2018	275	STATUS REPORT by M. Kirkland Cox, Virginia House of Delegates. (Attachments: # 1 Exhibit A)(Raile, Richard) (Entered: 10/05/2018)
10/18/2018	276	ORDER that pursuant to Fed. R. Civ. P. 53, and having considered the parties' briefing on the matter, the Court hereby appoints Dr. Bernard Grofman as Special Master to assist and advise the Court on the redistricting remedy. The Commonwealth of Virginia shall be responsible to pay the fees of the Special Master with the right to seek apportionment thereof at the end of the case. It is so ORDERED. Signed by District Judge Robert E. Payne on 10/18/2018. (walk,) (Entered: 10/18/2018)
10/18/2018	277	ORDER that during the telephone conference to be held

Date Filed	#	Docket Text
		at 2:00 p.m. October 19, 2018, counsel shall be prepared to discuss the following topics: (1) A schedule that will permit a new redistricting plan to be in place by March 28, 2019; (2) Whether non-parties should be permitted to submit proposed redistricting plans (See Personhuballah, et al. v. Alcorn, et al., Civil Action No. 3:13cv678, ECF No. 221); and (3) Whether proposed plans should be available online on the internet (See Personhuballah, et al. v. Alcorn, et al.,Civil Action No. 3:13cv678, ECF No. 237); and (4) Whether the Special Master can use the facilities and the services of employees of the Virginia Division of Legislative Service (See Personhuballah, et al. v. Alcorn, et al., Civil Action No. 3:13cv678, ECF No. 245); and (5) Whether the criteria outlined in HOUSE COMMITTEE ON PRIVILEGES AND ELECTIONS COMMITTEE RESOLUTION NO. 1 (Approved 3/24/11) can be used by the Court and, if so, to what extent; and, in particular, whether it is necessary or appropriate to use the

Date Filed	#	Docket Text
		population deviation of 1% as set out in Criterion I. It is so ORDERED. Signed by District Judge Robert E. Payne on 10/18/2018. (walk,) (Entered: 10/18/2018)
10/19/2018	278	ORDER that 1) On November 2, 2018, the parties, and any non-parties desiring to do so, shall file their proposed remedial plans and maps with supporting data and briefs explaining their respective proposals; and 2) On November 16, 2018, the parties, and any non-parties desiring to do so, shall submit their objections to, if any, and briefs in response to the remedial plans, maps, and briefs submitted on November 2, 2018; and 3) On December 7, 2018, the Special Master, Dr. Bernard Grofman, shall file his proposed
10/19/2018		Minute Entry for proceedings held before District Judge Robert E. Payne: Telephone Conference held on 10/19/2018. (Court Reporter Peppy Peterson, OCR.) (nbrow) (Entered: 11/02/2018)
10/22/2018		Set Hearing: Omnibus Hearing re Dr. Grofman's proposal set for 1/3/2019 at 09:30 AM in

Date Filed	#	Docket Text
		Richmond Courtroom 7400 before District Judge Robert E. Payne. (nbrow) (Entered: 10/22/2018)
10/23/2018	279	ORDER REGARDING SUBMISSION OF PROPOSED REMEDIAL PLANS. The Court's October 19, 2018 ORDER (ECF No. 278) directs that "the parties, and any non-parties desiring to do so, shall file their proposed remedial plans" and supporting data on November 2, 2018. See Order for complete details. It is SO ORDERED. Signed by District Judge Robert E. Payne on 10/23/2018. (sbea,) Clerk replaced Order on on 10/23/2018). NEF was regenerated. Modified docket text on 10/23/2018 (sbea,). (Entered: 10/23/2018)
10/23/2018	280	ORDER that having conferred with the Special Master about his appointment and about the schedule set out in the ORDER (ECF No. 278) entered on October 19, 2018, and finding it appropriate so to do, it is hereby ORDERED that: 1) The hearing set for January 3, 2019 (ECF No.

Date Filed	#	Docket Text
		278 , (5)) is rescheduled to 9:30 a.m. January 10, 2019; and see Order for complete details. It is SO ORDERED. Signed by District Judge Robert E. Payne on 10/23/2018. Order distributed as directed. (sbea,) (Entered: 10/23/2018)
10/23/2018	281	ORDER that 1) The Special Master is authorized to rely on DLS employees, Kent Stigall and Julie Smith, to provide any technical assistance he may require to carry out his duties under his appointment. See Order for complete details. It is SO ORDERED. Signed by District Judge Robert E. Payne on 10/23/2018. (Attachments: # 1 Exhibit - Oath of Confidentiality). Order was distributed as directed. (sbea,) (Entered: 10/23/2018)
10/24/2018		Reset Hearing: Omnibus Hearing re Dr. Grofman's proposal set for 1/10/2019 at 09:30 AM in Richmond Courtroom 7400 before District Judge Robert E. Payne. (nbrow) (Entered: 10/24/2018)
10/24/2018	282	Consent MOTION to Amend/Correct 281 Order, by

Date Filed	#	Docket Text
		James B. Alcorn, Edgardo Cortes, Singleton B. McAllister, Virginia Department of Elections, Virginia State Board of Elections, Clara Belle Wheeler. (Attachments: # 1 Proposed Order)(McGuire, Matthew) (Entered: 10/24/2018)
10/25/2018	283	AGREED ORDER TO AMEND THE COURT'S OCTOBER 23, 2018 ORDER. Upon consideration of Defendants' Consent Motion to Amend the Court's October 23, 2018 Order (Doc. No. 281) to add Amigo R. Wade as an individual authorized to assist the Special Master, the motion is GRANTED. Signed by District Judge Robert E. Payne on 10/24/2018. (sbea,) (Entered: 10/25/2018)
10/26/2018	284	ORDER. The Special Master has advised the Court that, barring unusual circumstances, he intends to stay within the plus-or-minus one percent population deviation goal outlined by the House Committee on Privileges and Elections (ECF No. 72-11) in redrawing the House of Delegates districts. The Special

Date Filed	#	Docket Text
		Master shall alert the Court if he is unable to stay within the plus-or minus one percent population deviation goal. It is so ORDERED. Signed by District Judge Robert E. Payne on 10/26/2018. Order distributed as directed. (sbea,) (Entered: 10/26/2018)
10/29/2018	285	Letter to the Honorable Robert Payne dated September 15, 2018 re: Redistricting. (Attachment: # 1 Envelope). (sbea,) (Entered: 10/29/2018)
11/02/2018	286	Brief in Support *Proposed Legislative Redistricting Plan* filed by Virginia State Conference of NAACP Branches. (Attachments: # 1 Appendix A, # 2 Appendix B, # 3 Appendix C, # 4 Appendix D, # 5 Appendix E, # 6 Appendix F, # 7 Appendix G, # 8 Appendix H, # 9 Appendix I, # 10 Appendix J, # 11 Appendix K, # 12 Appendix L, # 13 Appendix M, # 14 Appendix N, # 15 Appendix O, # 16 Appendix P, # 17 Appendix Q, # 18 Appendix R)(Prince, David) (Entered: 11/02/2018)
11/02/2018	287	Motion to appear Pro Hac Vice by Allison Riggs and

Date Filed	#	Docket Text
		Certification of Local Counsel David O. Prince Filing fee $ 75, receipt number 0422-6348240. by Virginia State Conference of NAACP Branches. (Prince, David) (Entered: 11/02/2018)
11/02/2018	288	Motion to appear Pro Hac Vice by Jeffrey Loperfido and Certification of Local Counsel David O. Prince Filing fee $ 75, receipt number 0422-6348263. by Virginia State Conference of NAACP Branches. (Prince, David) (Entered: 11/02/2018)
11/02/2018	289	Corporate Disclosure Statement by Virginia State Conference of NAACP Branches. (Prince, David) (Entered: 11/02/2018)
11/02/2018	290	Response to 278 Order filed by James B. Alcorn, Edgardo Cortes, Singleton B. McAllister, Virginia Department of Elections, Virginia State Board of Elections, Clara Belle Wheeler (McGuire, Matthew). Modified docket text on 11/5/2018 (sbea,). (Entered: 11/02/2018)
		Remedial Plans and Maps received from Perkins Coie LLP per 279 Order; placed on shelf in the Clerk's Office (one CD, Plan

Date Filed	#	Docket Text
		A, Plan B). (nbrow) (Entered: 11/02/2018)
		Remedial Plans and Maps received from William & Mary Law School per 279 Order; placed on shelf in the Clerk's Office (two CDs, Team Owens, Team Democracy). (nbrow) (Entered: 11/02/2018)
11/02/2018		Remedial Plans and Maps received from Virginia State Conference of NAACP per 279 Order; placed on shelf in the Clerk's Office (one CD). (nbrow). Modified docket text on 11/28/2018 (sbea,). (Entered: 11/02/2018)
11/02/2018	291	Brief in Support *of Proposed Legislative Redistricting Plans* filed by M. Kirkland Cox, Virginia House of Delegates re: 278 Order. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C)(Mcknight, Katherine). Modified docket text on 11/5/2018 (sbea,). (Entered: 11/02/2018)
11/02/2018	292	Memorandum *in Support of Proposed Remedial Plans* to 278 Order filed by Golden Bethune-Hill, Christa Brooks, Chauncey

Date Filed	#	Docket Text
		Brown, Thomas Calhoun, Atoy Carrington, Wayne Dawkins, Alfreda Gordon, Cherrelle Hurt, Atiba Muse, Nancy Ross, Tavarris Spinks, Mattie Mae Urquhart, Sheppard Roland Winston. (Attachments: # 1 Affidavit of Kevin Hamilton)(Branch, Aria). Modified docket text on 11/5/2018 (sbea,). (Entered: 11/02/2018)
11/02/2018		Remedial Maps received from M. Kirkland Cox, Virginia House of Delegates re: per 279 Order; placed on shelf in the Clerk's Office. (sbea,) (Entered: 11/28/2018)
11/06/2018	293	ORDER upon the consideration of the Defendant-Intervenors' Proposed Remedial Plans 291 , the Court hereby ORDERS the defendant-intervenors to re-submit their proposed remedial plans in compliance with paragraphs 3 and 4 of the Court's October 23, 2018 Order 279 no later than 5:00 p.m. on November 7, 2018. Signed by Three Judge Planel on 11/6/18. (jtho,) (Entered: 11/06/2018)

Date Filed	#	Docket Text
11/07/2018	294	ORDER granting 287 Motion for Allison Jean Riggs to appear as Pro Hac Vice for Virginia State Conference of NAACP Branches. Signed by District Judge M. Hannah Lauck on 11/7/2018. (sbea,) (Entered: 11/07/2018)
11/07/2018	295	ORDER granting 288 Motion for Jeff Loperfido to appear as Pro Hac Vice for Virginia State Conference of NAACP Branches. Signed by District Judge M. Hannah Lauck on 11/7/2018. (sbea,) (Entered: 11/07/2018)
11/08/2018	296	Letter addressed to the Honorable Robert E. Payne dated November 6, 2018 re: 293 Order. The CD-ROM disc was placed in a redwell folder on the shelf in the Clerk's Office. (sbea,) (Entered: 11/08/2018)
11/15/2018	297	NOTICE by Virginia State Conference of NAACP Branches re 286 Brief in Support, *Notice of Correction to Brief in Support of Virginia NAACP Remedial Redistricting Plan* (Prince, David) (Entered: 11/15/2018)
11/15/2018	298	ORDER. Upon consideration of the proposed legislative redistricting plan submitted on

Date Filed	#	Docket Text
		November 2, 2018 by the Virginia State Conference of NAACP Branches ("the Virginia NAACP") pursuant to this Court's order of October 19, 2018, ECF No. 278 , the Court hereby requests the Virginia NAACP to resubmit an amended proposed plan no later than 5:00 p.m. on November 19, 2018. As submitted, the party's proposed plan appears to assign numeric labels to certain districts in an inconsistent manner than the districts as enumerated in the 2011 plan. It is so ORDERED. Signed by Three Judge Panel on 11/15/2018. (sbea,) (Entered: 11/15/2018)
11/16/2018	299	Response to 278 Order,,,, filed by New Virginia Majority. (Attachments: # 1 Appendix Example Remedial Map)(Breit, Jeffrey) (Entered: 11/16/2018)
11/16/2018	300	Corporate Disclosure Statement by New Virginia Majority. (Breit, Jeffrey) (Entered: 11/16/2018)
11/16/2018	301	NOTICE of Appearance by Jeffrey Arnold Breit on behalf of New Virginia Majority (Breit, Jeffrey) (Entered: 11/16/2018)

Date Filed	#	Docket Text
11/16/2018	302	Response Remedial Plans, Maps, and Briefs re: 278 Order filed by James B. Alcorn, Edgardo Cortes, Singleton B. McAllister, Virginia Department of Elections, Virginia State Board of Elections, Clara Belle Wheeler (McGuire, Matthew). Modified docket text on 11/19/2018 (sbea,). (Entered: 11/16/2018)
11/16/2018	303	NOTICE of Proposed Remedial Plan of Interested Party Virginia State Conference of NAACP Branches by Virginia State Conference of NAACP Branches re 286 Brief in Support(Prince, David). Modified docket text on 11/19/2018 (sbea,). (Entered: 11/16/2018)
11/16/2018	304	Objections to Proposed Remedial Plans re: 278 Order filed by Virginia House of Delegates. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E)(Mcknight, Katherine). Modified docket text on 11/19/2018 (sbea,). (Entered: 11/16/2018)
11/16/2018	305	Objections and Responses to Proposed Remedial Plans Submitted by Intervenors and

Date Filed	#	Docket Text
		Non-Parties re: 278 Order filed by Golden Bethune-Hill, Christa Brooks, Chauncey Brown, Thomas Calhoun, Atoy Carrington, Wayne Dawkins, Alfreda Gordon, Cherrelle Hurt, Atiba Muse, Nancy Ross, Tavarris Spinks, Mattie Mae Urquhart, Sheppard Roland Winston. (Branch, Aria). Modified docket text on 11/19/2018 (sbea,). (Entered: 11/16/2018)
11/19/2018	306	Response by Interested Party Virginia State Conference of NAACP Branches and Notice of Filing of Corrected Map re: 298 Order, filed by Virginia State Conference of NAACP Branches. (Attachments: # 1 Appendix A-Corrected District Data, # 2 Appendix B- Corrected 2 Districts, # 3 Appendix CCorrected 2 Districts Comparison, # 4 Appendix D - Census Bureau Correction)(Prince, David). Modified docket text on 11/20/2018 (sbea,). (Entered: 11/19/2018)
11/26/2018	313	Letter RECEIVED from the Supreme Court of the United

Date Filed	#	Docket Text
		States dated November 13, 2018. (sbea,) (Entered: 11/29/2018)
11/27/2018	307	Letter addressed to the Honorable Robert E. Payne dated November 19, 2018 re: 298 Order. The CD-ROM disc was placed in a redwell folder on the shelf in the Clerk's Office. (sbea,) (Entered: 11/27/2018)
11/28/2018	308	ORDER. The Court hereby ORDERS the state defendants to provide Division of Legislative Services (DLS) employees Kent Stigall, Julie Smith, and Amigo Wade the residential addresses of the current incumbents in the House of Delegates along with the numbers of the districts that each incumbent represents. If possible, the location information should be matched to applicable census blocks. **The submission should be received no later than 5:00 p.m. on November 30, 2018.** The special master and DLS staff shall maintain the confidentiality of such information pending further order of the Court. It is so ORDERED. Signed by Three

Date Filed	#	Docket Text
		Judge Panel on 11/28/2018. (sbea,) (Entered: 11/28/2018)
11/28/2018	309	ORDER that the Court's scheduling ORDER (ECF No. 278) is supplemented such that, on December 28, 2018, the Special Master shall file comments addressing the objections of the parties and non-parties, if any, provided on December 14, 2018 (ECF No. 278 Paragraph 4). It is so ORDERED. Signed by District Judge Robert E. Payne on 11/28/2018. Order was electronically sent to the Special Master. (sbea,) (Entered: 11/28/2018)
11/28/2018	310	RENEWED MOTION for Stay Pending Appeal and Motion for Order Resetting Virginia House Election Dates re: 235 Order, 278 Order by M. Kirkland Cox, Virginia House of Delegates. (Attachments: # 1 Proposed Order, # 2 Alternative Proposed Order)(Mcknight, Katherine). Modified docket text on 11/29/2018 (sbea,). (Entered: 11/28/2018)
11/28/2018	311	Memorandum in Support of Renewed Motion for Stay

Date Filed	#	Docket Text
		Pending Appeal and Motion for Order Resetting Virginia House Election Dates re: 310 MOTION to Stay, re: 235 Order, 278 Order filed by M. Kirkland Cox, Virginia House of Delegates (Mcknight, Katherine). Modified docket text on 11/29/2018 (sbea,). (Entered: 11/28/2018)
11/28/2018	312	Emergency MOTION to Expedite *Briefing on Motion to Stay and Motion to Alter Election Schedule* by M. Kirkland Cox, Virginia House of Delegates. (Attachments: # 1 Proposed Order)(Mcknight, Katherine) (Entered: 11/28/2018)
11/29/2018	314	Opposition to 312 Emergency MOTION to Expedite *Briefing on Motion to Stay and Motion to Alter Election Schedule* filed by Golden Bethune-Hill, Christa Brooks, Chauncey Brown, Thomas Calhoun, Atoy Carrington, Wayne Dawkins, Alfreda Gordon, Cherrelle Hurt, Atiba Muse, Nancy Ross, Tavarris Spinks, Mattie Mae Urquhart, Sheppard Roland Winston. (Branch, Aria) (Entered: 11/29/2018)

Date Filed	#	Docket Text
11/29/2018	315	ORDER. Upon consideration of Defendant-Intervenors' Motion To Expedite Briefing and the Plaintiffs' Opposition thereto, it is hereby ordered that Defendant-Intervenors' motion is GRANTED IN PART. The Court hereby sets the following briefing schedule: **December 5, 2018**: Responsive briefs are due from Plaintiffs and Defendants; **December 6, 2018**: Reply brief is due from Defendant-Intervenors. It is so ORDERED. Signed by Three Judge Panel on 11/29/2018. (sbea,) (Entered: 11/29/2018)
11/30/2018	316	NOTICE Regarding Compliance by James B. Alcorn, Edgardo Cortes, Singleton B. McAllister, Virginia Department of Elections, Virginia State Board of Elections, Clara Belle Wheeler re: 308 Order (McGuire, Matthew). Modified docket text on 12/3/2018 (sbea,). (Entered: 11/30/2018)
12/03/2018	317	ORDER. The state defendants are hereby ORDERED to confirm the residential address of the incumbent in District 76 and to **provide an updated**

Date Filed	#	Docket Text
		address to the Division of Legislative Services no later than 5:00 p.m. on December 4, 2018. It is so ORDERED. Signed by Three Judge Panel on 12/3/2018. (sbea,) (Entered: 12/03/2018)
12/04/2018	318	NOTICE by James B. Alcorn, Edgardo Cortes, Singleton B. McAllister, Virginia Department of Elections, Virginia State Board of Elections, Clara Belle Wheeler re 317 Order, *[Re. Compliance with Court's December 3, 2018 Order]* (McGuire, Matthew) (Entered: 12/04/2018)
12/05/2018	319	RESPONSE in Opposition re: 310 MOTION to Stay re: 235 Order, 278 Order, *and Motion to Alter Election Schedule* filed by James B. Alcorn, Edgardo Cortes, Singleton B. McAllister, Virginia Department of Elections, Virginia State Board of Elections, Clara Belle Wheeler (McGuire, Matthew). Modified docket text on 12/6/2018 (sbea,). (Entered: 12/05/2018)
12/05/2018	320	Opposition re: 310 MOTION to Stay re: 235 Order, 278 Order, *and Motion to Alter Election*

Date Filed	#	Docket Text
		Schedule filed by Golden Bethune-Hill, Christa Brooks, Chauncey Brown, Thomas Calhoun, Atoy Carrington, Wayne Dawkins, Alfreda Gordon, Cherrelle Hurt, Nancy Ross, Tavarris Spinks, Mattie Mae Urquhart, Sheppard Roland Winston. (Branch, Aria). Modified docket text on 12/6/2018 (sbea,). (Entered: 12/05/2018)
12/06/2018	321	REPLY to Response to Motion re: 310 MOTION to Stay re: 235 Order, 278 Order, *and Motion to Alter Election Schedule* filed by M. Kirkland Cox, Virginia House of Delegates. (Mcknight, Katherine). Modified docket text on 12/7/2018 (sbea,). (Entered: 12/06/2018)
12/07/2018	322	ORDER that the Court hereby DENIES the motions, without prejudice to refiling after the Court's remedial plan is adopted. In reaching this conclusion, the Court adopts the reasoning set forth in its order issued on August 30, 2018 denying the intervenors' prior motion for stay [Dkt. No. 256]. It is so ORDERED. Signed by Three

Date Filed	#	Docket Text
		Judge Panel on 12/7/2018. (sbea,) (Entered: 12/07/2018)
12/07/2018	323	REPORT OF THE SPECIAL MASTER by Bernard Grofman. (sbea,) (Entered: 12/07/2018)
12/10/2018	324	ADDENDUM TO THE REPORT OF THE SPECIAL MASTER MAP AND SUMMARY DATA FOR ILLUSTRATIVE PETERSURG MODULE 1B by Bernard Grofman. (afar) (Entered: 12/10/2018)
12/14/2018	325	Response to 323 *Special Master's Remedial Plan* filed by James B. Alcorn, Edgardo Cortes, Singleton B. McAllister, Virginia Department of Elections, Virginia State Board of Elections, Clara Belle Wheeler. (McGuire, Matthew). Modified docket entry on 12/14/2018. (walk,). (Entered: 12/14/2018)
12/14/2018	326	Brief of the Princeton Gerrymandering Project in Response to 323 Report of the Special Master filed by interested party Princeton University. (jtho,) (Entered: 12/14/2018)
12/14/2018	327	Objection re: 323 Report of the Special Master filed by M.

Date Filed	#	Docket Text
		Kirkland Cox, Virginia House of Delegates. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D)(Mcknight, Katherine). Modified docket text on 12/17/2018 (sbea,). (Entered: 12/14/2018)
12/14/2018	328	Response re: 323 Report of the Special Master filed by Golden Bethune-Hill, Christa Brooks, Chauncey Brown, Thomas Calhoun, Atoy Carrington, Wayne Dawkins, Alfreda Gordon, Cherrelle Hurt, Atiba Muse, Nancy Ross, Tavarris Spinks, Mattie Mae Urquhart, Sheppard Roland Winston (Branch, Aria). Modified docket text on 12/17/2018 (sbea,). (Entered: 12/14/2018)
12/14/2018	329	Response re: 323 Report of the Special Master filed by Virginia State Conference of NAACP Branches (Prince, David). Modified docket text on 12/17/2018 (sbea,). (Entered: 12/14/2018)
12/18/2018	330	ORDER that the parties and non-parties may, if they desire to do so, file supplemental briefing regarding their positions on, and

Date Filed	#	Docket Text
		objections to, the REPORT OF THE SPECIAL MASTER and its addendum (ECF Nos. 323 and 324) by January 4, 2019 at 5 p.m. Furthermore, it is hereby ORDERED that at the hearing on January 10, 2019 (ECF No. 280 paragraph 1), the parties and non-parties shall be given a reasonable amount of time to present their positions to the Court. The Court will not entertain the testimony of witnesses at the hearing. It is so ORDERED. Signed by Three Judge Panel on 12/18/2018. (sbea,) (Entered: 12/18/2018)

OPENING STATEMENT

THE HONORABLE MARK L. COLE
CHAIRMAN, COMMITTEE ON PRIVILEGES AND ELECTIONS
VIRGINIA HOUSE OF DELEGATES

SUBCOMMITTEE PUBLIC HEARING HOUSE P&E SUBCOMMITTEE ON REDISTRICTING

NATURAL SCIENCE CENTER, VIRGINIA
WESTERN COMMUNITY COLLEGE
ROANOKE, VIRGINIA

WEDNESDAY SEPTEMBER 8, 2010 7:00 P.M.

Ladies and gentleman, colleagues: It's my pleasure tonight to WELCOME everyone to the *first* hearing of the House of Delegates Redistricting Subcommittee. This is the first of six opportunities the Subcommittee will have this year to *gather input* from experts. . . advocacy groups. . ., and, *most importantly*, the people of Virginia on the every-10-years process of drawing new boundaries for state legislative and congressional districts.

The General Assembly and Governor – as officials who submit to voters at elections and, therefore, are *directly accountable* to the public – are responsible for drawing legislative boundaries. That mandate is clearly spelled out in the Virginia Constitution. This time-tested and *inclusive* process ensures that *every Virginian has a VOICE in redistricting* since every Virginian is represented in the General Assembly by a delegate or state senator.

After every decennial census by the federal government, the Virginia General Assembly and Governor – like every other state – must draw lines for U.S. House, Senate of Virginia, and Virginia House of

Delegates districts. Likewise, many localities also must draw lines for county board, city council and school board districts.

That much everyone already knows from our civics classes. So, where are we in the current redistricting process?

The key task of the 2010 Census – the April 1 enumeration – is now complete. However, the U.S. Census Bureau continues its work towards releasing *statewide* total population counts for Virginia and the other 49 states by December 31, 2010.

Then, the data used for actually drawing lines – the so-called "Public Law 94-171" data – comes later, most likely in February or March of 2011.

Speaker Howell and I decided to schedule and convene these public hearings to encourage greater *civic awareness*. . . and facilitate more *active participation* by the public in Virginia's latest redistricting process.

At these public hearings, this Subcommittee wants to gather input from the public on what PRINCIPLES the General Assembly and Governor should consider in using the detailed data – once it becomes available next year – to redraw district lines.

Of course, redistricting is an endeavor presenting many challenges. It also *can be* a contentious process.

In fact, litigation over districts drawn in 2001 after the last federal Census continued through most of the last decade in some states. But, in Virginia, not a single court case challenging the current House of Delegates, state Senate or Congressional maps successfully passed legal muster.

Nevertheless, the decisions produced by all of that litigation, whether in Virginia or across the nation – as well as the complicated body of law and the many players involved in redistricting – make it *vital* that my colleagues & I learn what is most important to Virginians. . . *BEFORE* lines are redrawn and legislation is ultimately passed.

The General Assembly, the Governor, the Attorney General, the U.S. Dept. of Justice, and, perhaps, state and federal judges, will all have an opportunity to impact this process.

But again, BEFORE we get involved in the work of line drawing or seeking legal opinions or whatever lees, the Speaker and I, along with our House colleagues, we want to hear from you about *YOUR* PRIORITIES and *YOUR* SUGGESTIONS for redistricting.

As we get underway, I believe it is incumbent upon me to articulate – and I hope my House colleagues will agree with – *my* touchstones on this very important public policy issue.

1) **The redistricting process must be FAIR.** It must include opportunity for input from all and serious deliberation about a fair outcome.

2) **The redistricting process must create districts as nearly EQUAL IN POPULATION AS PRACTICABLE,** giving effect to the constitutional "one person-one vote" principle.

3) **The final district maps must COMPLY WITH THE LAW** – with the U.S. Constitution, the Virginia Constitution,

the federal Voting Rights Act, and court decisions applying them.

Within those *critical constraints*, I look forward to learning from everyone giving testimony here tonight and at subsequent hearings.

Now, here are several logistical but important requests to ensure as smooth and efficient a process for public input as possible.

Some materials already distributed and/or online have been made available by staff from the Division of Legislative Services. But, I've directed staff NOT to make any formal presentations tonight in the interest of maximizing participation by citizens who are here.

I would ask that each of you who speak to please try to keep your remarks brief (*4 minutes tops*) – as a courtesy to others and to please try NOT to repeat what others already have said. . , so we may accommodate as many speakers as possible. Like at other legislative hearings, staff will be the "keeper of the clock."

I also invite everyone to submit any written comments for the Subcommittee by giving a hard copy to our clerk here tonight. Or, statements may be e-mailed, faxed or sent by regular mail to Scott Maddrea, Deputy Clerk for Committee Operations at the Virginia House of Delegates. That information is available at the table near the entrance, along with the complete list of all public hearings that this subcommittee is holding this fall.

Finally, please be sure to identify yourself before your remarks and on any materials submitted. *Now, let's get started.* . . . .

From: Chris Marston <chris.marston@gmail.com>
To: Katie Alexander Murray <katiegalex@yahoo.com>
Subject: Re: RPV Leadership Roster
Date: 12/9/2010 6:28:17 PM
Attachments:

E-mail is okay too. Just be careful in how you describe what you're seeking. We need to keep out any hint of unfairness (except the fundamental unfairness of the Voting Rights Act) or partisanship.

For example, "I'm working on an important project for Speaker Howell and the House Republican Caucus. In order to develop redistricting plans for Virginia in full compliance with the Voting Rights Act, we need to collect data for Racial Block Voting analysis. One way to analyze the data is to look for elections in which an African-American candidate and a White candidate both compete (either in one party's primary, or in a general election)."

I think that's pretty safe. Some of these folks may try to engage you in a conversation about what they think new maps should look like. Do your best to politely decline to have that conversation. You might say, "I am just responsible for collecting this important data for Racial Block Voting and the Caucus is committed to a fair redistricting process that complies with applicable laws and results in districts with as nearly equal population as practicable."

If they push and push, feel free to tell them to call me.

Thanks,

Chris

On Thu, Dec 9, 2010 at 5:21 PM, Katie Alexander Murray <katiegalex@yahoo.com> wrote:

Thanks Chris,

I noticed on the list that their email addresses are listed. Would it be ok if I sent an initial email, or would you prefer for me to do everything over the phone?

Katie

From: Chris Marston <chris.marston@gmail.com>
To: katiegalex@yahoo.com
Sent: Wed, December 8, 2010 9:26:16 AM
Subject: RPV Leadership Roster

Katie,

Here's the RPV Leadership Roster. The unit chairs are listed after the state central committee.

Feel free to identify yourself as calling from the House Republican Caucus.

The information you need is whether any election, including Democrat primaries, featured a black and a white candidate. Elections for state House, state Senate, Boards of Supervisors/City Councils, Constitutional Officers (Sheriff, Commonwealth's Attorney, Clerk of Court, Treasurer, Commissioner of the Revenue), School Boards, and even Soil and Water Conservation District Directors.

What I need back is the Election Year (whether it was a general or a special election, most will be general), the office, and which candidate was black and which was white. If a chair just remembers that there was a contest with a black and a white, but doesn't remember names, the State Board of Elections website

has results for many elections, especially in recent years, so we can check there for names.

Let me know if you have any questions.

Thanks,

Chris

[LOGO]

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Part III

DEPARTMENT OF JUSTICE

Guidance Concerning Redistricting Under Section 5 of the Voting Rights Act; Notice

AGENCY: Office of the Assistant Attorney General, Civil Rights Division, Department of Justice.

ACTION: Notice.

SUMMARY: The Attorney General has delegated responsibility and authority for determinations under Section 5 of the Voting Rights Act to the Assistant Attorney General, Civil Rights Division, who finds that, in view of recent legislation and judicial decisions, it is appropriate to issue guidance concerning the review of redistricting plans submitted to the Attorney General for review pursuant to Section 5 of the Voting Rights Act.

FOR FURTHER INFORMATION CONTACT: T. Christian Herren, Jr., Chief, Voting Section, Civil Rights Division, United States Department of Justice, Washington, DC 20530, (202) 514-1416.

SUPPLEMENTARY INFORMATION: Section 5 of the Voting Rights Act, 42 U.S.C. 1973c, requires jurisdictions identified in Section 4 of the Act to obtain a determination from either the Attorney General or the United States District Court for the District of Columbia that any change affecting voting which they seek to enforce does not have a discriminatory purpose and will not have a discriminatory effect.

Beginning in 2011, these covered jurisdictions will begin to seek review under Section 5 of the Voting Rights Act of redistricting plans based on the 2010 Census. Based on past experience, the overwhelming majority of the covered jurisdictions will submit their redistricting plans to the Attorney General. This guidance is not legally binding; rather, it is intended only to provide assistance to jurisdictions covered by the preclearance requirements of Section 5.

Guidance Concerning Redistricting Under Section 5 of the Voting Rights Act, 42 U.S.C. 1973c

Following release of the 2010 Census data, the Department of Justice expects to receive several thousand submissions of redistricting plans for review pursuant to Section 5 of the Voting Rights Act. The Civil Rights Division has received numerous requests for guidance similar to that it issued prior to the 2000 Census redistricting cycle concerning the procedures and standards that will be applied during review of these redistricting plans. 67 FR 5411 (January 18, 2001). In addition, in 2006, Congress reauthorized the Section 5 review requirement and refined its definition of some substantive standards for compliance with Section 5. In view of these developments, issuing revised guidance is appropriate.

The "Procedures for the Administration of Section 5 of the Voting Rights Act," 28 CFR Part 51, provide detailed information about the Section 5 review process. Copies of these Procedures are available upon request and through the Voting Section Web site (*http://www.usdoj.gov/crt/voting*). This document is meant to provide additional guidance with regard to current issues of interest. Citations to judicial decisions are provided to assist the reader but are not intended to be comprehensive. The

following discussion provides supplemental guidance concerning the following topics:

- The Scope of Section 5 Review;
- The Section 5 Benchmark;
- Analysis of Plans (discriminatory purpose and retrogressive effect);
- Alternatives to Retrogressive Plans; and
- Use of 2010 Census Data.

The Scope of Section 5 Review

Under Section 5, a covered jurisdiction has the burden of establishing that a proposed redistricting plan "neither has the purpose nor will have the effect of denying or abridging the right to vote on account of race or color, or in contravention of the guarantees set forth in [Section 4(f)(2) of the Act]" (i.e., membership in a language minority group defined in the Act). 42 U.S.C 1973c(a). A plan has a discriminatory effect under the statute if, when compared to the benchmark plan, the submitting jurisdiction cannot establish that it does not result in a "retrogression in the position of racial minorities with respect to their effective exercise of the electoral franchise." *Beer v. United States*, 425 U.S. 125, 141 (1976).

If the proposed redistricting plan is submitted to the Department of Justice for administrative review, and the Attorney General determines that the jurisdiction has failed to show the absence of any discriminatory purpose or retrogressive effect of denying or abridging the right to vote on account of race, color or membership in a language minority group defined in the Act, the Attorney General will interpose an objection. If, in the alternative, the jurisdiction seeks a declaratory judgment from the United States

District Court for the District of Columbia, that court will utilize the identical standard to determine whether to grant the request; i.e., whether the jurisdiction has established that the plan is free from discriminatory purpose or retrogressive effect. Absent administrative preclearance from the Attorney General or a successful declaratory judgment action in the district court, the jurisdiction may not implement its proposed redistricting plan.

The Attorney General may not interpose an objection to a redistricting plan on the grounds that it violates the one-person one-vote principle, on the grounds that it violates *Shaw v. Reno*, 509 U.S. 630 (1993), or on the grounds that it violates Section 2 of the Voting Rights Act. The same standard applies in a declaratory judgment action. Therefore, jurisdictions should not regard a determination of compliance with Section 5 as preventing subsequent legal challenges to that plan under other statutes by the Department of Justice or by private plaintiffs. 42 U.S.C. 1973c(a); 28 CFR 51.49.

The Section 5 "Benchmark"

As noted, under Section 5, a jurisdiction's proposed redistricting plan is compared to the "benchmark" plan to determine whether the use of the new plan would result in a retrogressive effect. The "benchmark" against which a new plan is compared is the last legally enforceable redistricting plan in force or effect. *Riley v. Kennedy*, 553 U.S. 406 (2008); 28 CFR 51.54(b)(1). Generally, the most recent plan to have received Section 5 preclearance or to have been drawn by a Federal court is the last legally enforceable redistricting plan for Section 5 purposes. When a jurisdiction has received Section 5 preclearance for a new redistricting plan, or a Federal court has drawn a

new plan and ordered it into effect, that plan replaces the last legally enforceable plan as the Section 5 benchmark. *McDaniel v. Sanchez*, 452 U.S. 130 (1981); *Texas v. United States*, 785 F. Supp. 201 (D.D.C. 1992); *Mississippi v. Smith*, 541 F. Supp. 1329, 1333 (D.D.C. 1982), appeal dismissed, 461 U.S. 912 (1983).

A plan found to be unconstitutional by a Federal court under the principles of *Shaw v. Reno* and its progeny cannot serve as the Section 5 benchmark, *Abrams v. Johnson*, 521 U.S. 74 (1997), and in such circumstances, the benchmark for Section 5 purposes will be the last legally enforceable plan predating the unconstitutional plan. Absent such a finding of unconstitutionality under *Shaw* by a Federal court, the last legally enforceable plan will serve as the benchmark for Section 5 review. Therefore, the question of whether the benchmark plan is constitutional will not be considered during the Department's Section 5 review.

Analysis of Plans

As noted above, there are two necessary components to the analysis of whether a proposed redistricting plan meets the Section 5 standard. The first is a determination that the jurisdiction has met its burden of establishing that the plan was adopted free of any discriminatory purpose. The second is a determination that the jurisdiction has met its burden of establishing that the proposed plan will not have a retrogressive effect.

Discriminatory Purpose

Section 5 precludes implementation of a change affecting voting that has the purpose of denying or abridging the right to vote on account of race or color, or membership in a language minority group defined

in the Act. The 2006 amendments provide that the term "purpose" in Section 5 includes "any discriminatory purpose," and is not limited to a purpose to retrogress, as was the case after the Supreme Court's decision in *Reno v. Bossier Parish* (*"Bossier II*), 528 U.S. 320 (2000). The Department will examine the circumstances surrounding the submitting authority's adoption of a submitted voting change, such as a redistricting plan, to determine whether direct or circumstantial evidence exists of any discriminatory purpose of denying or abridging the right to vote on account of race or color, or membership in a language minority group defined in the Act.

Direct evidence detailing a discriminatory purpose may be gleaned from the public statements of members of the adopting body or others who may have played a significant role in the process. *Busbee v. Smith*, 549 F. Supp. 494, 508 (D.D.C. 1982), *aff'd*, 459 U.S. 1166 (1983). The Department will also evaluate whether there are instances where the invidious element may be missing, but the underlying motivation is nonetheless intentionally discriminatory. In the *Garza* case, Judge Kozinski provided the clearest example:

> Assume you are an anglo homeowner who lives in an all-white neighborhood. Suppose, also, that you harbor no ill feelings toward minorities. Suppose further, however, that some of your neighbors persuade you that having an integrated neighborhood would lower property values and that you stand to lose a lot of money on your home. On the basis of that belief, you join a pact not to sell your house to minorities. Have you engaged in intentional racial and ethnic discrimination?

> Of course you have. Your personal feelings toward minorities don't matter; what matters is that you intentionally took actions calculated to keep them out of your neighborhood.

Garza and United States v. County of Los Angeles, 918 F.2d 763, 778 n.1 (9th Cir. 1990) (Kozinski, J., concurring and dissenting in part), *cert. denied*, 498 U.S. 1028 (1991).

In determining whether there is sufficient circumstantial evidence to conclude that the jurisdiction has not established the absence of the prohibited discriminatory purpose, the Attorney General will be guided by the Supreme Court's illustrative, but not exhaustive, list of those "subjects for proper inquiry in determining whether racially discriminatory intent existed," outlined in *Village of Arlington Heights v. Metropolitan Housing Development Corp.*, 429 U.S. 252, 268 (1977). In that case, the Court, noting that such an undertaking presupposes a "sensitive inquiry," identified certain areas to be reviewed in making this determination: (1) The impact of the decision; (2) the historical background of the decision, particularly if it reveals a series of decisions undertaken with discriminatory intent; (3) the sequence of events leading up to the decision; (4) whether the challenged decision departs, either procedurally or substantively, from the normal practice; and (5) contemporaneous statements and viewpoints held by the decision-makers. *Id.* at 266-68.

The single fact that a jurisdiction's proposed redistricting plan does not contain the maximum possible number of districts in which minority group members are a majority of the population or have the ability to elect candidates of choice to office, does not

mandate that the Attorney General interpose an objection based on a failure to demonstrate the absence of a discriminatory purpose. Rather, the Attorney General will base the determination on a review of the plan in its entirety.

Retrogressive Effect

An analysis of whether the jurisdiction has met its burden of establishing that the proposed plan would not result in a discriminatory or "retrogressive" effect starts with a basic comparison of the benchmark and proposed plans at issue, using updated census data in each. Thus, the Voting Section staff loads the boundaries of the benchmark and proposed plans into the Civil Rights Division's geographic information system [GIS]. Population data are then calculated for each district in the benchmark and the proposed plans using the most recent decennial census data.

A proposed plan is retrogressive under Section 5 if its net effect would be to reduce minority voters' "effective exercise of the electoral franchise" when compared to the benchmark plan. *Beer v. United States* at 141. In 2006, Congress clarified that this means the jurisdiction must establish that its proposed redistricting plan will not have the effect of "diminishing the ability of any citizens of the United States" because of race, color, or membership in a language minority group defined in the Act, "to elect their preferred candidate of choice." 42 U.S.C. 1973c(b) & (d). In analyzing redistricting plans, the Department will follow the congressional directive of ensuring that the ability of such citizens to elect their preferred candidates of choice is protected. That ability to elect either exists or it does not in any particular circumstance.

In determining, whether the ability to elect exists in the benchmark plan and whether it continues in the proposed plan, the Attorney General does not rely on any predetermined or fixed demographic percentages at any point in the assessment. Rather, in the Department's view, this determination requires a functional analysis of the electoral behavior within the particular jurisdiction or election district. As noted above, census data alone may not provide sufficient indicia of electoral behavior to make the requisite determination. Circumstances, such as differing rates of electoral participation within discrete portions of a population, may impact on the ability of voters to elect candidates of choice, even if the overall demographic data show no significant change.

Although comparison of the census population of districts in the benchmark and proposed plans is the important starting point of any Section 5 analysis, additional demographic and election data in the submission is often helpful in making the requisite Section 5 determination. 28 CFR 51.28(a). For example, census population data may not reflect significant differences in group voting behavior. Therefore, election history and voting patterns within the jurisdiction, voter registration and turnout information, and other similar information are very important to an assessment of the actual effect of a redistricting plan.

The Section 5 Procedures contain the factors that the courts have considered in deciding whether or not a redistricting plan complies with Section 5. These factors include whether minority voting strength is reduced by the proposed redistricting; whether minority concentrations are fragmented among different districts; whether minorities

are overconcentrated in one or more districts; whether alternative plans satisfying the jurisdiction's legitimate governmental interests exist, and whether they were considered; whether the proposed plan departs from objective redistricting criteria set by the submitting jurisdiction, ignores other relevant factors such as compactness and contiguity, or displays a configuration that inexplicably disregards available natural or artificial boundaries; and, whether the plan is inconsistent with the jurisdiction's stated redistricting standards. 28 CFR 51.56-59.

Alternatives to Retrogressive Plans

There may be circumstances in which the jurisdiction asserts that, because of shifts in population or other significant changes since the last redistricting (*e.g.*, residential segregation and demographic distribution of the population within the jurisdiction, the physical geography of the jurisdiction, the jurisdiction's historical redistricting practices, political boundaries, such as cities or counties, and/or state redistricting requirements), retrogression is unavoidable. In those circumstances, the submitting jurisdiction seeking preclearance of such a plan bears the burden of demonstrating that a less-retrogressive plan cannot reasonably be drawn.

In considering whether less-retrogressive alternative plans are available, the Department of Justice looks to plans that were actually considered or drawn by the submitting jurisdiction, as well as alternative plans presented or made known to the submitting jurisdiction by interested citizens or others. In addition, the Department may develop illustrative alternative plans for use in its analysis, taking into consideration the jurisdiction's redistricting principles. If it is determined that a

reasonable alternative plan exists that is non-retrogressive or less retrogressive than the submitted plan, the Attorney General will interpose an objection.

Preventing retrogression under Section 5 does not require jurisdictions to violate the one-person, one-vote principle. 52 FR 488 (Jan. 6, 1987). Similarly, preventing retrogression under Section 5 does not require jurisdictions to violate *Shaw v. Reno* and related cases.

The one-person, one-vote issue arises most commonly where substantial demographic changes have occurred in some, but not all, parts of a jurisdiction. Generally, a plan for congressional redistricting that would require a greater overall population deviation than the submitted plan is not considered a reasonable alternative by the Department. For state legislative and local redistricting, a plan that would require significantly greater overall population deviations is not considered a reasonable alternative.

In assessing whether a less retrogressive plan can reasonably be drawn, the geographic compactness of a jurisdiction's minority population will be a factor in the Department's analysis. This analysis will include a review of the submitting jurisdiction's historical redistricting practices and district configurations to determine whether the alternative plan would (a) abandon those practices and (b) require highly unusual features to link together widely separated minority concentrations.

At the same time, compliance with Section 5 of the Voting Rights Act may require the jurisdiction to depart from strict adherence to certain of its redistricting criteria. For example, criteria that

require the jurisdiction to make the least possible change to existing district boundaries, to follow county, city, or precinct boundaries, protect incumbents, preserve partisan balance, or in some cases, require a certain level of compactness of district boundaries may need to give way to some degree to avoid retrogression. In evaluating alternative or illustrative plans, the Department of Justice relies upon plans that make the least departure from a jurisdiction's stated redistricting criteria needed to prevent retrogression.

The Use of 2010 Census Data

The most current population data are used to measure both the benchmark plan and the proposed redistricting plan. 28 CFR 51.54(b)(2) (Department of Justice considers "the conditions existing at the time of the submission."); *City of Rome v. United States*, 446 U.S. 156, 186 (1980) ("most current available population data" to be used for measuring effect of annexations); *Reno v. Bossier Parish School Board*, 528 U.S. 320, 334 (2000) ("the baseline is the status quo that is proposed to be changed: If the change 'abridges the right to vote' relative to the status quo, preclearance is denied* * * .").

For redistricting after the 2010 Census, the Department of Justice will, consistent with past practice, evaluate redistricting submissions using the 2010 Census population data released by the Bureau of the Census for redistricting pursuant to Public Law 94-171, 13 U.S.C. 141(c). Thus, our analysis of the proposed redistricting plans includes a review and assessment of the Public Law 94-171 population data, even if those data are not included in the submission or were not used by the jurisdiction in drawing the plan. The failure to use the Public Law 94-171

population data in redistricting does not, by itself, constitute a reason for interposing an objection. However, unless other population data used can be shown to be more accurate and reliable than the Public Law 94-171 data, the Attorney General will consider the Public Law 94-171 data to measure the total population and voting age population within a jurisdiction for purposes of its Section 5 analysis.

As in 2000, the 2010 Census Public Law 94-171 data will include counts of persons who have identified themselves as members of more than one racial category. This reflects the October 30, 1997, decision by the Office of Management and Budget [OMB] to incorporate multiple-race reporting into the Federal statistical system. 62 FR 58782-58790. Likewise, on March 9, 2000, OMB issued Bulletin No. 00-02 addressing "Guidance on Aggregation and Allocation of Data on Race for Use in Civil Rights Enforcement." Part II of that Bulletin describes how such census responses will be allocated by Federal executive agencies for use in civil rights monitoring and enforcement.

The Department will follow both aggregation methods defined in Part II of the Bulletin. The Department's initial review of a plan will be based upon allocating any multiple-item response that includes white and one of the five other race categories identified in the response. Thus, the total numbers for "Black/African American," "Asian," "American Indian/Alaska Native," "Native Hawaiian or Other Pacific Islander" and "Some other race" reflect the total of the single-race responses and the multiple responses in which an individual selected a minority race and white race.

The Department will then move to the second step in its application of the census data to the plan by reviewing the other multiple-race category, which is comprised of all multiple-race responses consisting of more than one minority race. Where there are significant numbers of such responses, we will, as required by both the OMB guidance and judicial opinions, allocate these responses on an iterative basis to each of the component single-race categories for analysis. *Georgia v. Ashcroft*, 539 U.S. 461, 473, n.1 (2003).

As in the past, the Department will analyze Latino voters as a separate group for purposes of enforcement of the Voting Rights Act. If there are significant numbers of responses which report Latino and one or more minority races (for example, Latinos who list their race as Black/African-American), those responses will be allocated alternatively to the Latino category and the minority race category.

Dated: February 3, 2011
Thomas E. Perez,
Assistant Attorney General. Civil Rights Division.
[FR Doc. 2011-2797 Filed 2-8-11; 8:45 am]
BILLING CODE 4410-13-P

From: Kent Stigall <kstigall@dls.virginia.gov>

Sent: Wednesday, March 2, 2011 2:02 PM

To: Chris Jones <chris@schrisjones.jones>; Chris Jones <DelCJones@house.virginia.gov>

Subject: District demographics

Attach: 2001POP_house.xls; 2010 house.xls

I wasn't sure where you wanted the files sent so you have them at both addresses.

Give me a shout if you need anything else.

Kent

(See foldout next page)

2001 Data - House														
DISTRICT	TOTALPOP	WHITE	% White	BLACK	% Black	AMIND	% Amind	ASIAN	% Asian	HAWPI	OTHER	MULTI	HISP	% Hispanic
1	69,144	67,806	98.10%	615	0.90%	366	0.50%	158	0.20%	16	124	59	381	0.60%
2	69,917	67,535	96.60%	1,737	2.50%	234	0.30%	163	0.20%	13	200	35	476	0.70%
3	69,754	67,789	97.20%	1,317	1.90%	227	0.30%	250	0.40%	9	121	41	351	0.50%
4	69,839	67,180	96.20%	1,838	2.60%	305	0.40%	262	0.40%	20	179	55	503	0.70%
5	71,025	67,333	94.80%	2,440	3.40%	312	0.40%	188	0.30%	11	692	49	1,405	2.00%
6	72,137	67,718	93.90%	3,315	4.60%	307	0.40%	377	0.50%	21	304	95	583	0.80%
7	70,575	65,106	92.30%	3,428	4.90%	318	0.50%	1,118	1.60%	32	416	157	784	1.10%
8	70,024	65,297	93.20%	2,942	4.20%	237	0.30%	1,103	1.60%	18	337	90	644	0.90%
9	71,196	63,187	88.80%	7,073	9.90%	259	0.40%	230	0.30%	19	314	114	837	1.20%
10	72,191	60,082	83.20%	10,521	14.60%	259	0.40%	166	0.20%	36	1,022	103	1,993	2.80%
11	71,296	44,002	61.70%	24,857	34.90%	393	0.60%	799	1.10%	35	800	410	1,139	1.60%
12	71,248	63,343	88.90%	3,759	5.30%	297	0.40%	2,907	4.10%	35	652	255	925	1.30%
13	69,993	58,203	83.20%	6,229	8.90%	376	0.50%	2,495	3.60%	62	2,258	370	4,351	6.20%
14	71,021	42,702	60.10%	27,060	38.10%	216	0.30%	424	0.60%	16	447	156	1,055	1.50%
15	69,858	66,813	95.60%	1,500	2.10%	336	0.50%	264	0.40%	28	848	71	1,564	2.20%
16	70,269	51,497	73.30%	17,579	25.00%	212	0.30%	283	0.40%	6	587	106	1,351	1.90%
17	70,453	65,619	93.10%	2,853	4.00%	264	0.40%	1,148	1.60%	17	435	117	780	1.10%
18	70,610	64,331	91.10%	4,631	6.60%	396	0.60%	535	0.80%	39	563	113	1,511	2.10%
19	71,715	65,790	91.70%	4,930	6.90%	330	0.50%	382	0.50%	16	178	89	462	0.60%
20	71,422	65,187	91.30%	5,056	7.10%	269	0.40%	314	0.40%	13	478	106	986	1.40%
21	71,694	45,119	62.90%	17,263	24.10%	500	0.70%	6,660	9.30%	108	1,370	674	3,215	4.50%
22	70,192	60,044	85.50%	8,963	12.80%	311	0.40%	471	0.70%	14	263	126	602	0.90%
23	70,383	46,967	66.70%	21,218	30.10%	360	0.50%	930	1.30%	34	548	326	933	1.30%
24	69,520	61,255	88.10%	6,895	9.90%	482	0.70%	461	0.70%	31	272	124	614	0.90%
25	72,317	67,101	92.80%	3,777	5.20%	349	0.50%	417	0.60%	17	534	122	1,361	1.90%
26	70,945	63,857	90.00%	2,865	4.00%	235	0.30%	1,671	2.40%	28	2,091	198	5,076	7.20%
27	70,578	51,524	73.00%	15,472	21.90%	428	0.60%	1,798	2.50%	45	1,003	306	1,717	2.40%
28	70,096	56,405	80.50%	10,085	14.40%	623	0.90%	1,347	1.90%	85	1,213	338	2,584	3.70%
29	69,941	63,500	90.80%	3,933	5.60%	376	0.50%	782	1.10%	28	1,165	177	2,149	3.10%
30	69,315	56,605	81.70%	11,098	16.00%	344	0.50%	454	0.70%	18	611	185	1,249	1.80%
31	70,499	47,402	67.20%	16,026	22.70%	498	0.70%	3,021	4.30%	141	2,722	689	5,197	7.40%
32	71,810	58,709	81.80%	5,048	7.00%	266	0.40%	5,447	7.60%	73	1,862	405	4,046	5.60%
33	70,956	63,051	88.90%	4,764	6.70%	289	0.40%	1,381	1.90%	35	1,234	202	2,504	3.50%
34	69,893	57,250	81.90%	1,923	2.80%	221	0.30%	8,787	12.60%	44	1,357	311	2,649	3.80%
35	70,857	56,056	79.10%	2,865	4.00%	248	0.40%	9,428	13.30%	45	1,849	367	4,105	5.80%

2001 Data - House														
DISTRICT	TOTALPOP	WHITE	% White	BLACK	% Black	AMIND	% Amind	ASIAN	% Asian	HAWPI	OTHER	MULTI	HISP	% Hispanic
36	70,596	53,332	75.50%	5,907	8.40%	321	0.50%	7,519	10.70%	60	2,984	473	6,166	8.70%
37	69,558	50,222	72.20%	4,341	6.20%	327	0.50%	10,366	14.90%	71	3,704	527	7,241	10.40%
38	71,701	42,775	59.70%	6,667	9.30%	372	0.50%	12,181	17.00%	58	8,679	951	16,083	22.40%
39	71,856	45,811	63.80%	4,165	5.80%	336	0.50%	15,202	21.20%	88	5,639	615	10,357	14.40%
40	71,273	53,593	75.20%	4,946	6.90%	313	0.40%	9,706	13.60%	62	2,245	408	4,889	6.80%
41	71,560	52,986	74.00%	3,902	5.50%	268	0.40%	11,341	15.80%	98	2,515	450	5,556	7.80%
42	69,645	47,228	67.80%	10,950	15.70%	386	0.60%	7,863	11.30%	111	2,443	664	5,142	7.40%
43	70,425	48,110	68.30%	9,962	14.10%	356	0.50%	8,212	11.70%	112	3,067	606	6,377	9.10%
44	71,686	43,192	60.30%	16,364	22.80%	463	0.60%	4,881	6.80%	88	5,919	779	10,454	14.60%
45	71,621	54,656	76.30%	10,478	14.60%	366	0.50%	2,627	3.70%	67	2,912	515	5,695	8.00%
46	70,944	37,515	52.90%	17,732	25.00%	328	0.50%	6,879	9.70%	107	6,780	1,805	10,648	15.00%
47	70,306	50,297	71.50%	5,197	7.40%	413	0.60%	6,983	9.90%	68	6,681	667	12,399	17.60%
48	71,802	56,384	78.50%	4,449	6.20%	373	0.50%	6,484	9.00%	73	3,526	513	6,945	9.70%
49	70,631	29,983	42.50%	14,273	20.20%	494	0.70%	6,647	9.40%	77	17,817	1,340	28,906	40.90%
50	71,915	51,470	71.60%	9,298	12.90%	526	0.70%	2,819	3.90%	79	7,235	488	11,357	15.80%
51	69,418	47,756	68.80%	13,388	19.30%	412	0.60%	3,705	5.30%	119	3,277	761	6,413	9.20%
52	71,116	44,419	62.50%	17,954	25.20%	600	0.80%	3,214	4.50%	117	3,999	813	7,859	11.10%
53	71,895	51,258	71.30%	3,188	4.40%	317	0.40%	12,364	17.20%	64	4,316	388	8,831	12.30%
54	71,389	58,507	82.00%	9,986	14.00%	505	0.70%	1,056	1.50%	66	951	300	2,045	2.90%
55	69,763	60,956	87.40%	7,209	10.30%	378	0.50%	707	1.00%	9	340	164	744	1.10%
56	70,103	56,584	80.70%	11,225	16.00%	302	0.40%	1,482	2.10%	21	331	158	855	1.20%
57	70,576	51,781	73.40%	13,314	18.90%	222	0.30%	3,954	5.60%	30	908	367	1,905	2.70%
58	69,956	62,005	88.60%	5,987	8.60%	284	0.40%	967	1.40%	18	558	137	1,200	1.70%
59	70,616	49,145	69.60%	20,277	28.70%	323	0.50%	270	0.40%	24	379	198	1,003	1.40%
60	69,676	42,717	61.30%	25,871	37.10%	246	0.40%	287	0.40%	25	350	180	850	1.20%
61	69,970	43,286	61.80%	25,577	36.60%	277	0.40%	221	0.30%	11	473	145	885	1.30%
62	71,382	50,800	71.20%	17,133	24.00%	537	0.80%	1,116	1.60%	83	1,319	394	2,592	3.60%
63	69,833	26,825	38.40%	41,533	59.50%	270	0.40%	436	0.60%	34	442	293	875	1.30%
64	71,384	52,454	73.50%	16,739	23.40%	362	0.50%	1,151	1.60%	43	416	219	1,029	1.40%
65	70,062	61,412	87.70%	6,447	9.20%	241	0.30%	1,495	2.10%	14	332	121	827	1.20%
66	70,100	58,904	84.00%	8,183	11.70%	376	0.50%	1,743	2.50%	52	656	186	1,411	2.00%
67	69,535	52,724	75.80%	3,961	5.70%	309	0.40%	10,028	14.40%	55	2,082	376	4,645	6.70%
68	70,442	59,[illegible]	84.30%	7,999	11.40%	282	0.40%	1,666	2.40%	34	765	327	1,319	1.90%
69	69,569	22,050	31.70%	43,215	62.10%	324	0.50%	1,136	1.60%	120	2,126	598	3,264	4.70%
70	70,274	22,988	32.70%	43,385	61.70%	417	0.60%	736	1.00%	39	2,153	556	3,392	4.80%

2001 Data - House														
DISTRICT	TOTALPOP	WHITE	% White	BLACK	% Black	AMIND	% Amind	ASIAN	% Asian	HAWPI	OTHER	MULTI	HISP	% Hispanic
71	69,540	24,789	35.60%	42,230	60.70%	277	0.40%	1,256	1.80%	32	539	417	921	1.30%
72	70,775	59,440	84.00%	5,670	8.00%	243	0.30%	4,352	6.10%	44	825	201	1,580	2.20%
73	71,553	55,495	77.60%	10,269	14.40%	403	0.60%	3,567	5.00%	38	1,369	413	2,450	3.40%
74	70,967	23,216	32.90%	44,929	63.40%	978	1.40%	681	1.00%	28	616	419	1,141	1.60%
75	69,567	28,987	41.50%	39,977	57.20%	179	0.30%	238	0.30%	26	318	142	713	1.00%
76	71,957	52,829	73.40%	16,910	23.50%	437	0.60%	1,072	1.50%	40	421	248	1,064	1.50%
77	71,286	27,162	38.10%	42,122	59.10%	398	0.60%	740	1.00%	39	452	372	1,005	1.40%
78	70,798	55,975	79.10%	11,037	15.60%	481	0.70%	2,232	3.20%	60	711	302	1,752	2.50%
79	70,758	41,114	58.10%	26,091	36.90%	543	0.80%	1,647	2.30%	93	759	511	1,604	2.30%
80	70,554	27,225	38.60%	41,288	58.50%	452	0.60%	661	0.90%	70	461	397	1,047	1.50%
81	72,077	54,786	76.00%	12,706	17.60%	640	0.90%	1,967	2.70%	109	1,332	535	3,119	4.30%
82	71,737	62,490	87.10%	5,940	8.30%	435	0.60%	1,491	2.10%	100	1,001	280	2,351	3.30%
83	71,766	51,613	71.90%	14,471	20.20%	541	0.80%	3,107	4.30%	87	1,317	630	2,938	4.10%
84	72,047	49,194	68.30%	15,118	21.00%	583	0.80%	4,820	6.70%	109	1,561	662	3,497	4.90%
85	72,039	50,669	70.30%	13,672	19.00%	429	0.60%	5,634	7.80%	81	1,072	482	2,410	3.30%
86	71,069	46,825	65.90%	6,452	9.10%	350	0.50%	10,375	14.60%	64	6,300	703	10,979	15.40%
87	72,192	47,349	65.60%	18,562	25.70%	784	1.10%	2,727	3.80%	122	1,866	782	3,601	5.00%
88	70,544	59,628	83.10%	8,394	11.90%	522	0.70%	1,430	2.00%	85	1,074	411	2,427	3.40%
89	71,727	26,910	37.50%	41,166	57.40%	472	0.70%	1,887	2.40%	81	852	559	1,727	2.40%
90	71,743	26,156	36.50%	41,847	58.30%	390	0.50%	1,718	2.40%	63	947	622	1,990	2.80%
91	71,410	56,069	78.50%	11,743	16.40%	521	0.70%	1,852	2.30%	96	900	429	2,016	2.80%
92	70,108	23,620	33.70%	42,998	61.30%	477	0.70%	1,331	1.90%	78	788	816	1,772	2.50%
93	69,465	41,702	60.00%	22,215	32.00%	482	0.70%	2,415	3.50%	121	1,760	770	3,480	5.00%
94	71,484	47,985	67.10%	18,085	25.30%	508	0.70%	2,263	3.20%	124	1,750	769	3,221	4.50%
95	70,644	24,622	34.90%	43,284	61.30%	381	0.50%	959	1.40%	54	804	740	1,462	2.10%
96	69,533	54,811	78.80%	10,780	15.50%	428	0.60%	2,281	3.30%	87	773	373	1,838	2.60%
97	71,205	55,426	77.80%	13,831	19.40%	884	1.20%	428	0.60%	17	357	262	679	1.00%
98	70,444	56,373	80.00%	12,494	17.70%	555	0.80%	510	0.70%	33	323	156	840	1.20%
99	71,978	50,550	70.20%	19,715	27.40%	458	0.60%	410	0.60%	37	629	179	1,361	1.90%
100	72,110	43,261	60.00%	23,737	32.90%	543	0.80%	1,154	1.60%	78	2,994	345	4,514	6.30%

Current House districts

District	Total Population	Target	Difference	Deviation from Ideal	District	Total Population	Target	Difference	Deviation from Ideal
1	72,324	80,010	-7,686	-9.6%	91	77,333	80,010	-2,677	-3.3%
2	69,063	80,010	-10,947	-13.7%	92	98,234	80,010	18,224	22.8%
3	66,212	80,010	-13,798	-17.2%	93	80,425	80,010	415	0.5%
4	73,375	80,010	-6,635	-8.3%	94	99,135	80,010	19,125	23.9%
5	69,572	80,010	-10,438	-13.0%	95	81,482	80,010	1,472	1.8%
6	73,250	80,010	-6,760	-8.4%	96	95,097	80,010	15,087	18.9%
7	75,999	80,010	-4,011	-5.0%	97	74,900	80,010	-5,110	-6.4%
8	74,460	80,010	-5,550	-6.9%	98	87,462	80,010	7,452	9.3%
9	82,064	80,010	2,054	2.6%	99	77,730	80,010	-2,280	-2.8%
10	68,822	80,010	-11,188	-14.0%	100	72,146	80,010	-7,864	-9.8%
11	73,038	80,010	-6,972	-8.7%	101	71,425	80,010	-8,585	-10.7%
12	75,683	80,010	-4,327	-5.4%	102	76,461	80,010	-3,549	-4.4%
13	190,620	80,010	110,610	138.2%	103	73,723	80,010	-6,287	-7.9%
14	64,712	80,010	-15,298	-19.1%	104	83,940	80,010	3,930	4.[illegible]
15	78,102	80,010	-1,908	-2.4%	105	89,790	80,010	9,780	12.[illegible]
16	70,220	80,010	-9,790	-12.2%	106	88,542	80,010	8,532	10.7%
17	73,149	80,010	-6,861	-8.6%	107	87,457	80,010	7,447	9.3%
18	82,817	80,010	2,807	3.5%	108	73,167	80,010	-6,843	-8.6%
19	78,345	80,010	-1,665	-2.1%	109	71,299	80,010	-8,711	-10.9%
20	76,800	80,010	-3,210	-4.0%	110	79,380	80,010	-630	-0.8%
21	76,066	80,010	-3,944	-4.9%	111	74,194	80,010	-5,816	-7.3%
22	78,106	80,010	-1,904	-2.4%	112	81,778	80,010	1,768	2.2%
23	80,898	80,010	888	1.1%	113	74,500	80,010	-5,510	-6.9%
24	72,372	80,010	-7,638	-9.5%	114	80,153	80,010	143	0.2%
25	83,601	80,010	3,591	4.5%	115	70,454	80,010	-9,556	-11.9%
26	82,704	80,010	2,694	3.4%	116	92,939	80,010	12,929	16.2%
27	87,915	80,010	7,905	9.9%	117	76,927	80,010	-3,083	-3.9%
28	94,898	80,010	14,888	18.6%	118	81,062	80,010	1,052	1.3%
29	88,049	80,010	8,039	10.0%	119	73,068	80,010	-6,942	-8.7%
30	90,008	80,010	9,998	12.5%	120	70,585	80,010	-9,425	-11.8%
31	88,587	80,010	8,577	10.7%	121	74,455	80,010	-5,555	-6.9%
32	112,677	80,010	32,667	40.8%	122	70,417	80,010	-9,593	-12.0%
33	113,100	80,010	33,090	41.4%	123	73,171	80,010	-6,839	-8.5%
34	74,627	80,010	-5,383	-6.7%	124	77,736	80,010	-2,274	-2.8%
35	87,326	80,010	7,316	9.1%	125	74,035	80,010	-5,975	-7.5%
36	74,325	80,010	-5,685	-7.1%	126	89,028	80,010	9,018	11.3%
37	75,246	80,010	-4,764	-6.0%	127	71,505	80,010	-8,505	-10.6%
38	76,948	80,010	-3,062	-3.8%	128	93,126	80,010	13,116	16.4%
39	78,182	80,010	-1,828	-2.3%	129	74,259	80,010	-5,751	-7.2%
40	80,835	80,010	825	1.0%	130	71,080	80,010	-8,930	-11.2%
41	70,634	80,010	-9,376	-11.7%	131	64,074	80,010	-15,936	-19.9%
42	81,840	80,010	1,830	2.3%	132	71,017	80,010	-8,993	-11.2%
43	78,088	80,010	-1,922	-2.4%	133	73,204	80,010	-6,806	-8.5%
44	79,883	80,010	-127	-0.2%	134	71,464	80,010	-8,546	-10.7%
45	78,709	80,010	-1,301	-1.6%	135	67,882	80,010	-12,128	-15.2%
46	77,235	80,010	-2,775	-3.5%	136	90,800	80,010	10,790	13.5%
47	78,184	80,010	-1,826	-2.3%	137	87,705	80,010	7,695	9.6%
48	83,331	80,010	3,321	4.2%	138	75,266	80,010	-4,744	-5.9%
49	68,637	80,010	-11,373	-14.2%	139	80,416	80,010	406	0.5%
50	82,586	80,010	2,576	3.2%	140	71,374	80,010	-8,636	-10.8%

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District	Total Pop.	Black	% Black	White	% White	AIAN	% AIAN	Asian	% Asian	HawPI	% HawPI	Other	% Other	Mult	% Mult	Hispanic	% Hispanic
1	72,324	2,462	3.4%	68,697	95.0%	417	0.6%	259	0.4%	38	0.1%	373	0.5%	78	0.1%	897	1.2%
2	89,083	1,666	2.4%	86,6	96.3%	284	0.4%	246	0.4%	5	0.0%	320	0.5%	46	0.1%	849	0.9%
3	86,212	1,667	2.5%	83,601	96.4%	257	0.4%	274	0.4%	16	0.0%	127	0.2%	80	0.1%	348	0.5%
4	73,376	2,025	2.8%	69,960	96.3%	354	0.5%	399	0.5%	28	0.0%	517	0.7%	92	0.1%	1,096	1.5%
5	89,572	1,782	2.6%	86,204	95.2%	360	0.5%	219	0.3%	16	0.0%	883	1.3%	108	0.2%	1,999	2.9%
6	73,250	3,489	4.8%	68,477	93.5%	366	0.5%	508	0.7%	16	0.0%	299	0.4%	91	0.1%	816	1.1%
7	75,999	4,220	5.6%	68,874	90.6%	410	0.5%	1,580	2.1%	43	0.1%	648	0.9%	224	0.3%	1,712	2.3%
8	74,460	4,367	5.9%	66,841	89.8%	343	0.5%	2,069	2.8%	35	0.0%	643	0.9%	162	0.2%	1,516	2.0%
9	82,064	7,693	9.4%	72,357	88.2%	438	0.5%	420	0.5%	30	0.0%	1,042	1.3%	84	0.1%	2,038	2.5%
10	88,822	9,253	13.4%	67,357	83.3%	321	0.5%	216	0.3%	16	0.0%	1,565	2.3%	94	0.1%	2,387	3.5%
11	73,036	27,077	37.1%	41,641	57.0%	388	0.5%	1,273	1.7%	45	0.1%	2,119	2.9%	495	0.7%	4,387	6.0%
12	75,683	3,722	4.9%	66,051	87.3%	362	0.5%	4,738	6.3%	58	0.1%	536	0.7%	217	0.3%	1,718	2.3%
13	190,820	20,901	11.0%	124,874	65.5%	1,316	0.7%	32,384	17.0%	228	0.1%	9,163	4.8%	1,736	0.9%	23,028	12.1%
14	84,712	26,230	40.8%	36,383	56.2%	286	0.4%	573	0.9%	15	0.0%	1,032	1.6%	193	0.3%	1,812	2.8%
15	78,102	1,978	2.5%	73,483	94.1%	474	0.6%	451	0.6%	30	0.0%	1,525	2.0%	161	0.2%	3,284	4.2%
16	70,220	17,354	24.7%	50,596	72.1%	313	0.4%	401	0.6%	28	0.0%	1,332	1.9%	197	0.3%	2,352	3.3%
17	73,149	4,964	6.8%	64,912	88.7%	414	0.6%	1,879	2.6%	52	0.1%	760	1.0%	178	0.2%	2,054	2.8%
18	82,817	5,514	6.7%	73,286	88.5%	654	0.8%	1,229	1.5%	66	0.1%	1,781	2.2%	285	0.3%	4,377	5.3%
19	78,345	4,978	6.4%	71,686	91.5%	485	0.6%	781	1.0%	23	0.0%	321	0.4%	93	0.1%	1,079	1.4%
20	76,800	5,343	7.0%	69,159	90.1%	339	0.4%	708	0.9%	31	0.0%	1,061	1.4%	159	0.2%	2,048	2.7%
21	76,066	19,674	25.9%	44,120	58.0%	559	0.7%	8,530	11.2%	160	0.2%	1,912	2.5%	1,111	1.5%	5,840	7.7%
22	78,106	9,564	12.2%	66,296	84.9%	470	0.6%	947	1.2%	33	0.0%	591	0.8%	203	0.3%	1,359	1.7%
23	80,896	24,387	30.1%	52,271	64.6%	512	0.6%	2,074	2.6%	49	0.1%	1,136	1.4%	469	0.6%	2,409	3.0%
24	72,372	6,894	9.5%	63,377	87.6%	803	1.1%	587	0.8%	54	0.1%	455	0.6%	202	0.3%	1,279	1.8%
25	83,601	5,149	6.2%	75,378	90.2%	450	0.5%	910	1.1%	31	0.0%	1,482	1.8%	201	0.2%	3,267	3.9%
26	82,704	4,002	4.8%	69,835	84.4%	526	0.6%	2,322	2.8%	78	0.1%	5,617	6.8%	324	0.4%	9,972	12.1%
27	87,916	24,950	28.4%	53,835	61.2%	672	0.8%	3,326	3.8%	91	0.1%	4,267	4.9%	774	0.9%	7,454	8.5%
28	94,896	18,738	19.7%	67,409	71.0%	875	0.9%	3,227	3.4%	114	0.1%	3,614	3.8%	919	1.0%	8,156	8.6%
29	86,049	6,131	7.0%	78,005	85.2%	572	0.6%	1,606	1.8%	49	0.1%	4,376	5.0%	308	0.3%	7,966	9.1%
30	90,006	13,596	15.1%	71,206	79.1%	667	0.8%	1,211	1.3%	88	0.1%	2,839	3.2%	379	0.4%	5,431	6.0%
31	86,587	21,329	24.1%	50,876	57.4%	980	1.1%	8,136	9.9%	166	0.2%	8,006	9.0%	1,094	1.2%	17,440	19.7%
32	112,677	8,882	7.9%	78,639	69.8%	546	0.5%	18,266	16.2%	129	0.1%	5,239	4.6%	977	0.9%	12,650	11.2%
33	113,100	8,216	7.3%	91,930	81.3%	705	0.6%	6,839	6.0%	91	0.1%	4,607	4.1%	712	0.6%	11,020	9.7%
34	74,627	2,378	3.2%	66,389	75.6%	260	0.3%	14,115	18.9%	65	0.1%	1,025	1.4%	395	0.5%	4,083	5.5%

Current House districts

District	Total Pop.	Black	% Black	White	% White	AIAN	% AIAN	Asian	% Asian	HawPI	% HawPI	Other	% Other	Mult	% Mult	Hispanic	% Hispanic
35	87,328	4,222	4.8%	61,455	70.4%	372	0.4%	17,851	20.4%	64	0.1%	2,809	3.2%	553	0.6%	7,687	8.8%
36	74,325	6,557	8.8%	53,1[illegible]	71.6%	421	0.6%	10,228	13.8%	55	0.1%	3,353	4.5%	521	0.7%	8,166	11.0%
37	75,246	5,089	6.8%	50,420	67.0%	501	0.7%	15,072	20.0%	64	0.1%	3,671	4.7%	509	0.7%	9,596	12.8%
38	76,948	8,355	10.9%	42,145	54.8%	633	0.8%	14,029	18.2%	64	0.1%	10,981	14.3%	721	0.9%	22,423	29.1%
39	78,182	5,640	7.2%	42,855	54.8%	602	0.8%	19,256	24.6%	98	0.1%	9,036	11.6%	695	0.9%	18,721	23.9%
40	80,836	5,563	6.9%	50,362	62.3%	385	0.5%	20,260	25.1%	116	0.1%	3,473	4.3%	656	0.8%	8,746	10.8%
41	70,634	4,820	6.8%	48,881	69.2%	376	0.5%	13,025	18.4%	89	0.1%	2,992	4.2%	471	0.7%	8,758	12.4%
42	81,840	12,530	15.3%	50,066	61.2%	506	0.6%	14,166	17.3%	179	0.2%	3,534	4.3%	859	1.0%	9,713	11.9%
43	78,088	12,903	16.5%	47,719	61.1%	516	0.7%	11,514	14.7%	106	0.1%	4,606	5.9%	724	0.9%	11,333	14.5%
44	79,883	17,844	22.3%	43,977	55.1%	618	0.8%	6,180	7.7%	107	0.1%	10,269	12.9%	888	1.1%	19,648	24.6%
45	78,709	9,386	11.9%	60,868	77.3%	507	0.6%	4,149	5.3%	94	0.1%	3,224	4.1%	481	0.6%	7,724	9.8%
46	77,235	23,170	30.0%	38,614	50.0%	456	0.6%	7,692	10.0%	113	0.1%	6,247	8.1%	943	1.2%	13,313	17.2%
47	78,184	5,813	7.4%	56,589	72.4%	739	0.9%	8,838	11.3%	90	0.1%	5,478	7.0%	640	0.8%	11,875	15.2%
48	83,331	4,937	5.9%	66,164	79.4%	449	0.5%	9,303	11.2%	107	0.1%	1,905	2.3%	466	0.6%	6,829	8.2%
49	66,637	12,256	17.9%	34,706	50.6%	863	1.3%	6,508	9.5%	109	0.2%	13,296	19.4%	898	1.3%	25,908	37.7%
50	82,586	12,298	14.9%	48,106	58.2%	759	0.9%	5,727	6.9%	145	0.2%	14,685	17.8%	867	1.0%	27,713	33.6%
51	77,333	17,487	22.6%	44,042	57.0%	848	1.1%	6,257	8.1%	143	0.2%	7,443	9.6%	1,113	1.4%	16,105	20.8%
52	98,234	29,307	29.8%	48,570	49.4%	956	1.0%	7,833	8.0%	216	0.2%	9,736	9.9%	1,614	1.6%	20,277	20.6%
53	80,426	3,711	4.6%	53,510	66.5%	527	0.7%	17,541	21.8%	58	0.1%	4,505	5.6%	573	0.7%	11,102	13.8%
54	99,136	17,368	17.5%	73,991	74.6%	752	0.8%	2,809	2.8%	181	0.2%	3,318	3.3%	726	0.7%	7,451	7.5%
55	81,482	8,557	10.5%	69,898	85.8%	571	0.7%	1,457	1.8%	42	0.1%	718	0.9%	239	0.3%	1,793	2.2%
56	95,097	13,209	13.9%	73,809	77.6%	483	0.5%	6,259	6.6%	51	0.1%	873	0.9%	413	0.4%	2,512	2.6%
57	74,900	13,245	17.7%	53,060	70.8%	452	0.6%	5,661	7.6%	51	0.1%	2,009	2.7%	422	0.6%	4,670	6.2%
58	87,462	7,960	9.1%	73,991	84.6%	520	0.6%	2,817	3.2%	55	0.1%	1,826	2.1%	293	0.3%	3,736	4.3%
59	77,730	19,967	25.7%	55,777	71.8%	457	0.6%	528	0.7%	38	0.0%	721	0.9%	252	0.3%	1,699	2.2%
60	72,146	25,345	35.1%	45,053	62.4%	375	0.5%	439	0.6%	28	0.0%	689	1.0%	219	0.3%	1,381	1.9%
61	71,425	24,572	34.4%	44,755	62.7%	467	0.7%	367	0.5%	27	0.0%	964	1.4%	253	0.4%	1,972	2.8%
62	76,461	20,756	27.1%	50,920	66.6%	706	0.9%	1,363	1.8%	158	0.2%	1,947	2.5%	609	0.8%	4,620	6.0%
63	73,723	43,266	58.7%	28,027	38.0%	363	0.5%	570	0.8%	42	0.1%	1,031	1.4%	424	0.6%	2,229	3.0%
64	83,940	18,549	22.1%	60,932	72.6%	530	0.6%	2,184	2.6%	80	0.1%	1,196	1.4%	467	0.6%	2,992	3.6%
65	89,790	8,659	9.6%	76,337	85.0%	428	0.5%	3,396	3.8%	52	0.1%	620	0.7%	296	0.3%	2,204	2.5%
66	88,542	16,104	18.2%	66,178	74.7%	628	0.7%	3,076	3.5%	94	0.1%	1,863	2.1%	599	0.7%	4,383	5.0%
67	87,457	8,062	9.9%	56,307	63.2%	415	0.5%	21,113	24.1%	147	0.2%	3,879	4.4%	544	0.6%	9,540	10.9%
68	73,167	9,335	12.8%	58,903	80.5%	430	0.6%	2,749	3.8%	43	0.1%	1,352	1.8%	355	0.5%	3,293	4.5%

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Current House districts

District	Total Pop.	Black	% Black	White	% White	AIAN	% AIAN	Asian	% Asian	HawPI	% HawPI	Other	% Other	2Plus	% 2Plus	Hispanic	% Hispanic
69	71,299	42,217	59.2%	20,8	29.2%	437	0.6%	1,274	1.8%	83	0.1%	5,778	8.1%	710	1.0%	8,956	12.6%
70	79,380	51,434	64.8%	20,552	25.9%	619	0.8%	931	1.2%	90	0.1%	4,925	6.2%	829	1.0%	7,748	9.8%
71	74,194	37,630	50.7%	31,419	42.3%	349	0.5%	3,341	4.5%	45	0.1%	739	1.0%	671	0.9%	2,102	2.8%
72	81,778	9,862	12.0%	59,936	73.3%	372	0.5%	9,410	11.5%	44	0.1%	1,663	2.0%	502	0.6%	4,119	5.0%
73	74,600	13,159	17.7%	53,028	71.2%	422	0.6%	4,270	5.7%	54	0.1%	3,074	4.1%	493	0.7%	5,985	8.0%
74	80,153	52,671	65.7%	22,642	28.2%	956	1.2%	1,648	2.1%	59	0.1%	1,408	1.8%	769	1.0%	2,843	3.5%
75	70,454	39,562	56.1%	29,259	41.5%	317	0.4%	304	0.4%	28	0.0%	708	1.0%	286	0.4%	1,416	2.0%
76	92,839	25,300	27.2%	62,747	67.6%	614	0.7%	2,770	3.0%	96	0.1%	806	0.9%	607	0.7%	2,782	3.0%
77	76,827	46,907	59.7%	26,834	34.9%	546	0.7%	1,428	1.9%	53	0.1%	1,443	1.9%	719	0.9%	3,463	4.5%
78	81,062	14,167	17.5%	60,624	74.8%	573	0.7%	4,196	5.1%	121	0.1%	829	1.0%	582	0.7%	3,366	4.2%
79	73,088	31,015	42.4%	37,625	51.5%	591	0.8%	2,168	3.0%	106	0.1%	806	1.1%	757	1.0%	2,677	3.7%
80	70,585	40,704	57.7%	26,723	37.9%	419	0.6%	1,217	1.7%	121	0.2%	806	1.1%	595	0.8%	2,179	3.1%
81	74,456	12,044	16.2%	56,417	75.8%	643	0.9%	3,022	4.1%	143	0.2%	1,555	2.1%	631	0.8%	4,637	6.2%
82	70,417	6,096	8.7%	59,930	85.1%	492	0.7%	2,173	3.1%	107	0.2%	1,151	1.6%	468	0.7%	3,481	4.9%
83	73,171	15,378	21.0%	49,900	68.2%	679	0.9%	4,503	6.2%	139	0.2%	1,806	2.5%	766	1.0%	4,766	6.5%
84	77,736	17,378	22.4%	49,782	64.0%	582	0.7%	6,903	8.9%	219	0.3%	1,974	2.5%	921	1.2%	5,807	7.5%
85	74,036	16,265	22.0%	48,354	65.3%	550	0.7%	6,596	8.9%	126	0.2%	1,350	1.8%	794	1.1%	4,111	5.6%
86	89,028	8,852	9.9%	45,201	50.8%	603	0.7%	21,671	24.3%	80	0.1%	11,631	13.1%	990	1.1%	21,686	24.4%
87	71,506	19,445	27.2%	44,488	62.2%	906	1.3%	3,002	4.2%	206	0.3%	2,485	3.5%	973	1.4%	6,282	8.8%
88	93,126	14,537	15.7%	69,356	74.5%	710	0.8%	3,211	3.4%	171	0.2%	4,231	4.5%	911	0.9%	9,390	10.1%
89	74,259	41,471	55.8%	27,578	37.1%	534	0.7%	2,293	3.1%	113	0.2%	1,363	1.8%	917	1.2%	3,770	5.1%
90	71,080	42,585	60.1%	23,112	32.5%	467	0.7%	2,297	3.2%	137	0.2%	1,496	2.1%	886	1.2%	3,849	5.4%
91	84,074	10,814	16.9%	49,115	76.7%	487	0.8%	2,131	3.3%	85	0.1%	942	1.5%	500	0.8%	2,558	4.0%
92	71,017	45,541	64.1%	21,018	29.6%	545	0.8%	1,592	2.2%	84	0.1%	989	1.4%	1,248	1.8%	3,228	4.5%
93	73,204	26,983	36.9%	37,636	51.4%	611	0.8%	3,343	4.6%	191	0.3%	3,308	4.5%	1,133	1.5%	7,537	10.3%
94	71,464	19,245	26.9%	46,217	64.7%	615	0.9%	2,613	3.7%	151	0.2%	1,622	2.3%	1,001	1.4%	4,757	6.7%
95	67,882	43,539	64.1%	20,630	30.4%	419	0.6%	1,218	1.8%	67	0.1%	925	1.4%	1,084	1.6%	2,618	3.9%
96	90,800	14,143	15.6%	69,279	76.3%	682	0.8%	4,444	4.9%	161	0.2%	1,316	1.4%	776	0.9%	4,001	4.4%
97	87,706	16,379	18.7%	67,875	77.4%	1,253	1.4%	956	1.1%	64	0.1%	716	0.8%	462	0.5%	2,025	2.3%
98	75,266	12,302	16.3%	60,560	80.4%	724	1.0%	715	0.9%	46	0.1%	632	0.8%	287	0.4%	1,790	2.4%
99	80,416	20,398	25.4%	56,878	70.7%	689	0.9%	784	1.0%	46	0.1%	1,291	1.6%	383	0.4%	2,978	3.7%
100	71,374	20,837	29.2%	44,500	62.3%	643	0.9%	1,540	2.2%	162	0.2%	2,737	3.8%	955	1.3%	6,866	9.6%

District	Voting Age Pop	% VAP Black	% VAP Black	VAP White	% VAP White	VAP AIAN	% VAP AIAN	VAP Asian	% VAP Asian	VAP HawPI	% VAP HawPI	VAP Other	% VAP Other	VAP Multi	% VAP Multi	Total Hispanic	% VAP Hispanic
1	87,833	2,462	4.3%	54,886	94.6%	364	0.6%	187	0.3%	24	0.0%	286	0.5%	68	0.1%	2,229	3.9%
2	84,830	1,868	3.0%	52,827	96.3%	231	0.4%	183	0.3%	4	0.0%	219	0.4%	32	0.1%	1,812	3.3%
3	83,177	1,587	3.2%	51,247	1.4%	224	0.4%	219	0.4%	18	0.0%	70	0.1%	25	0.0%	2,362	4.4%
4	88,842	2,026	3.4%	56,463	96.0%	281	0.5%	292	0.5%	17	0.0%	343	0.6%	61	0.1%	1,599	2.9%
5	85,154	1,782	3.2%	52,877	95.9%	286	0.5%	181	0.3%	12	0.0%	544	1.0%	60	0.1%	1,718	3.1%
6	88,278	3,469	6.0%	54,886	94.2%	274	0.5%	373	0.6%	15	0.0%	181	0.3%	84	0.1%	3,283	5.7%
7	82,214	4,220	8.8%	56,716	91.2%	337	0.5%	1,390	2.2%	38	0.1%	449	0.7%	180	0.3%	4,383	7.0%
8	88,528	4,387	7.8%	53,302	91.1%	262	0.4%	1,411	2.4%	27	0.0%	418	0.7%	81	0.1%	7,454	12.7%
9	85,128	7,593	11.8%	57,791	88.7%	343	0.5%	279	0.4%	25	0.0%	870	1.0%	62	0.1%	8,966	13.8%
10	84,786	9,283	16.9%	48,326	84.6%	266	0.5%	143	0.3%	15	0.0%	917	1.7%	55	0.1%	2,204	4.0%
11	86,244	27,077	48.1%	34,278	60.9%	328	0.6%	924	1.6%	28	0.0%	1,409	2.5%	302	0.5%	3,849	6.8%
12	84,081	3,722	5.8%	55,094	87.9%	300	0.5%	4,130	6.4%	52	0.1%	419	0.7%	176	0.3%	4,637	7.2%
13	131,803	20,901	16.9%	88,513	67.3%	873	0.7%	21,387	16.2%	146	0.1%	5,979	4.5%	896	0.7%	3,463	2.6%
14	81,053	28,230	51.4%	30,437	59.6%	221	0.4%	413	0.8%	12	0.0%	898	1.2%	117	0.2%	2,179	4.3%
15	81,156	1,978	3.2%	58,102	95.0%	364	0.6%	332	0.5%	23	0.0%	943	1.5%	87	0.1%	3,366	5.5%
16	56,023	17,394	31.5%	40,488	73.6%	241	0.4%	277	0.5%	18	0.0%	793	1.4%	113	0.2%	2,782	5.1%
17	58,033	4,964	8.6%	52,464	90.4%	317	0.5%	1,317	2.3%	32	0.1%	492	0.8%	112	0.2%	2,877	4.8%
18	82,954	5,514	6.8%	66,490	89.7%	477	0.8%	531	1.3%	46	0.1%	1,083	1.7%	148	0.2%	20,277	32.2%
19	81,053	4,978	6.2%	68,236	92.1%	374	0.6%	464	0.8%	13	0.0%	196	0.3%	96	0.1%	16,106	26.4%
20	80,846	5,343	6.8%	65,420	91.1%	259	0.4%	479	0.8%	23	0.0%	627	1.0%	93	0.2%	2,025	3.3%
21	86,996	19,874	36.1%	33,867	60.5%	428	0.8%	6,324	11.3%	111	0.2%	1,298	2.3%	518	0.9%	1,793	3.2%
22	81,006	9,564	15.7%	52,306	85.7%	357	0.6%	626	1.0%	28	0.0%	381	0.6%	133	0.2%	5,431	8.9%
23	84,846	24,387	37.6%	44,229	68.2%	408	0.6%	1,866	2.4%	36	0.1%	827	1.3%	287	0.4%	4,670	7.2%
24	58,208	6,894	11.8%	51,393	88.3%	609	1.0%	472	0.8%	42	0.1%	312	0.5%	143	0.2%	1,972	3.4%
25	84,291	5,149	6.0%	58,606	91.5%	326	0.5%	594	0.9%	20	0.0%	855	1.3%	129	0.2%	9,390	14.8%
26	87,196	4,002	6.0%	58,129	88.5%	390	0.6%	1,923	2.9%	78	0.1%	3,526	5.4%	208	0.3%	4,757	7.1%
27	84,804	24,950	38.5%	41,896	64.2%	486	0.7%	2,366	3.7%	89	0.1%	2,713	4.2%	413	0.6%	2,036	3.1%
28	70,257	18,736	26.7%	51,913	73.9%	627	0.9%	2,251	3.2%	82	0.1%	2,363	3.4%	480	0.6%	897	1.3%
29	86,883	8,131	9.2%	68,376	87.3%	400	0.6%	1,188	1.7%	38	0.1%	2,700	4.0%	171	0.3%	1,096	1.6%
30	87,983	13,588	20.0%	54,866	80.7%	501	0.7%	806	1.2%	60	0.1%	1,752	2.6%	208	0.3%	4,377	6.4%
31	63,042	21,329	33.8%	37,754	59.9%	646	1.0%	4,256	6.7%	128	0.2%	6,207	9.3%	593	0.9%	1,712	2.7%
32	78,679	8,862	11.3%	56,041	71.2%	361	0.4%	12,180	15.5%	88	0.1%	3,462	4.4%	544	0.7%	9,972	12.7%
33	79,525	8,216	10.3%	65,772	82.7%	459	0.6%	4,361	5.5%	68	0.1%	3,052	3.8%	354	0.4%	8,156	10.3%
34	65,356	2,378	4.3%	42,350	76.5%	180	0.3%	10,066	18.2%	52	0.1%	596	1.3%	254	0.5%	2,992	5.4%
35	66,402	4,222	6.4%	47,589	71.7%	260	0.4%	12,944	19.5%	53	0.1%	2,084	3.1%	332	0.5%	2,558	3.9%
36	57,186	6,567	11.5%	42,307	74.0%	293	0.5%	7,397	12.9%	43	0.1%	2,302	4.0%	301	0.5%	816	1.4%
37	59,812	5,089	8.5%	40,905	68.4%	366	0.6%	11,585	19.4%	66	0.1%	2,812	4.4%	344	0.6%	1,999	3.3%
38	59,896	8,355	13.9%	34,059	56.9%	463	0.8%	10,842	18.1%	53	0.1%	7,896	13.2%	494	0.8%	27,713	46.3%

District	Voting Age Pop.	% VAP Black	% VAP Black	VAP White	% VAP White	VAP AIAN	% VAP AIAN	VAP Asian	% VAP Asian	VAP HawPI	% VAP HawPI	VAP Other	% VAP Other	VAP Multi	% VAP Multi	Total Hispanic	% VAP Hispanic
39	60,143	5,640	9.4%	34,022	56.6%	442	0.7%	14,795	24.6%	70	0.1%	5,457	10.8%	434	0.7%	2,409	4.0%
40	56,244	5,583	9.4%	37,817	1.8%	270	0.5%	14,418	24.3%	67	0.1%	2,404	4.1%	378	0.6%	1,516	2.6%
41	52,999	4,820	9.1%	37,325	70.4%	256	0.5%	9,641	18.2%	61	0.1%	2,097	4.0%	299	0.5%	649	1.2%
42	59,031	12,530	21.2%	37,264	63.1%	352	0.6%	10,175	17.2%	122	0.2%	2,377	4.0%	436	0.7%	2,610	4.4%
43	59,703	12,903	21.6%	37,559	63.4%	366	0.6%	8,491	14.2%	78	0.1%	3,224	5.4%	423	0.7%	3,228	5.4%
44	59,332	17,944	30.1%	34,018	57.3%	423	0.7%	4,822	7.8%	78	0.1%	6,929	11.7%	559	0.9%	3,738	6.3%
45	66,873	9,386	14.2%	52,192	78.1%	402	0.6%	3,324	5.0%	78	0.1%	2,313	3.5%	382	0.6%	2,978	4.5%
46	84,174	23,170	36.1%	33,773	52.6%	385	0.6%	6,410	10.0%	97	0.2%	4,663	7.1%	657	1.0%	2,387	3.7%
47	66,989	5,913	8.8%	48,804	74.0%	583	0.9%	7,184	10.9%	68	0.1%	4,250	6.4%	471	0.7%	2,512	3.8%
48	71,186	4,937	6.9%	56,759	79.7%	369	0.5%	7,804	11.0%	94	0.1%	1,614	2.1%	369	0.5%	1,381	1.9%
49	84,486	12,256	22.5%	28,619	52.5%	683	1.3%	5,137	9.4%	86	0.2%	9,874	18.1%	857	1.2%	7,886	14.7%
50	59,878	12,296	20.8%	36,435	61.1%	523	0.9%	4,223	7.1%	90	0.2%	5,474	15.9%	499	0.8%	2,054	3.4%
51	66,572	17,487	30.9%	33,900	59.9%	576	1.0%	4,437	7.8%	102	0.2%	4,898	8.7%	598	1.1%	2,048	3.6%
52	69,541	29,307	42.1%	36,230	52.1%	616	0.9%	5,883	8.0%	160	0.2%	6,342	9.1%	830	1.2%	3,287	4.7%
53	62,456	3,711	5.9%	42,414	67.9%	379	0.6%	13,218	21.2%	49	0.1%	3,297	5.3%	388	0.6%	7,451	11.9%
54	70,836	17,356	24.5%	54,222	76.5%	539	0.8%	1,857	2.6%	119	0.2%	2,064	2.9%	361	0.5%	5,965	8.4%
55	60,696	8,587	14.1%	52,470	86.4%	381	0.6%	952	1.6%	28	0.0%	442	0.7%	135	0.2%	4,119	6.8%
56	70,875	13,209	18.6%	56,525	79.2%	362	0.5%	4,110	5.8%	38	0.1%	550	0.8%	248	0.4%	2,102	3.0%
57	62,880	13,245	21.1%	46,968	73.3%	350	0.6%	4,943	7.9%	36	0.1%	1,432	2.3%	293	0.5%	2,843	4.5%
58	67,486	7,960	11.8%	57,799	85.6%	370	0.5%	2,086	3.1%	46	0.1%	1,120	1.7%	158	0.2%	7,748	11.5%
59	61,131	19,957	32.6%	44,568	72.9%	394	0.6%	369	0.6%	29	0.0%	472	0.8%	165	0.3%	4,620	7.6%
60	57,696	25,345	43.9%	37,024	64.2%	297	0.5%	326	0.6%	23	0.0%	439	0.8%	136	0.2%	9,596	16.6%
61	56,778	24,672	43.3%	36,317	64.0%	353	0.6%	259	0.5%	18	0.0%	680	1.2%	186	0.3%	17,440	30.7%
62	56,954	20,786	36.3%	40,463	66.8%	536	0.9%	1,041	1.8%	87	0.2%	1,328	2.3%	317	0.6%	11,102	19.9%
63	56,013	43,266	74.6%	22,538	38.8%	291	0.5%	442	0.8%	29	0.0%	684	1.2%	309	0.5%	1,790	3.1%
64	67,121	18,549	27.8%	49,790	74.2%	409	0.6%	1,747	2.6%	68	0.1%	829	1.2%	295	0.4%	3,254	4.8%
65	66,206	8,659	13.1%	56,661	85.6%	301	0.5%	2,240	3.4%	29	0.0%	386	0.6%	159	0.2%	21,686	32.6%
66	66,916	16,104	24.4%	50,678	77.2%	442	0.7%	2,253	3.4%	67	0.1%	1,138	1.7%	294	0.4%	9,540	14.5%
67	63,996	6,082	9.5%	41,542	64.9%	297	0.5%	14,811	23.1%	106	0.2%	2,661	4.2%	330	0.5%	11,020	17.2%
68	58,611	9,336	15.9%	46,194	82.2%	328	0.6%	2,054	3.5%	32	0.1%	939	1.6%	229	0.4%	23,038	39.3%
69	56,216	42,217	75.5%	18,031	32.7%	353	0.6%	1,102	2.0%	59	0.1%	4,137	7.5%	459	0.8%	12,550	22.9%
70	59,060	31,434	57.1%	17,416	29.5%	479	0.8%	736	1.2%	57	0.1%	3,354	5.7%	529	0.9%	4,387	7.4%
71	62,649	37,630	60.1%	28,944	46.2%	320	0.5%	3,199	5.1%	41	0.1%	612	1.0%	544	0.9%	6,885	11.0%
72	62,711	9,852	15.7%	47,072	75.1%	283	0.4%	5,786	10.8%	27	0.0%	1,123	1.8%	318	0.5%	1,079	1.7%
73	59,008	13,159	22.3%	43,289	73.4%	312	0.5%	3,225	5.5%	38	0.1%	2,124	3.6%	300	0.5%	1,359	2.3%
74	60,326	32,671	57.3%	19,112	31.7%	748	1.2%	1,218	2.0%	38	0.1%	936	1.5%	452	0.7%	348	0.6%
75	56,367	39,552	70.2%	24,072	42.7%	233	0.4%	230	0.4%	20	0.0%	459	0.8%	170	0.3%	1,279	2.3%
76	69,766	25,300	36.5%	48,008	69.3%	483	0.7%	1,809	2.6%	88	0.1%	808	0.7%	308	0.4%	1,415	2.0%

District	Voting Age Pop.	% VAP Black	% VAP Black	VAP White	% VAP White	VAP AIAN	% VAP AIAN	VAP Asian	% VAP Asian	VAP Hawn	% VAP Hawn	VAP Other	% VAP Other	VAP Multi	% VAP Multi	Total Hispanic	% VAP Hispanic
77	56,134	45,807	81.6%	20,987	37.4%	387	0.7%	994	1.8%	37	0.1%	1,044	1.9%	399	0.7%	6,282	11.2%
78	60,892	14,187	23.3%	46,102	75.7%	421	0.7%	2,885	4.7%	74	0.1%	529	0.9%	294	0.5%	3,770	6.2%
79	54,594	31,018	56.8%	29,973	54.9%	424	0.8%	1,670	3.1%	56	0.1%	549	1.0%	427	0.8%	3,481	6.4%
80	55,845	40,704	73.1%	22,886	41.1%	333	0.6%	1,053	1.9%	86	0.2%	662	1.2%	383	0.7%	4,786	8.6%
81	55,612	12,044	21.7%	42,905	77.2%	480	0.9%	2,149	3.9%	100	0.2%	999	1.8%	319	0.6%	4,111	7.4%
82	56,018	6,096	10.9%	48,540	86.7%	378	0.7%	1,554	2.8%	79	0.1%	800	1.4%	278	0.5%	5,840	10.4%
83	57,417	16,378	28.5%	40,910	71.3%	501	0.9%	3,376	5.9%	96	0.2%	1,228	2.1%	439	0.8%	5,807	10.1%
84	57,160	17,378	30.4%	37,888	66.9%	436	0.8%	4,967	8.7%	186	0.3%	1,325	2.3%	472	0.8%	7,724	13.5%
85	56,848	16,268	28.6%	38,388	67.5%	431	0.8%	5,069	8.9%	96	0.2%	917	1.6%	403	0.7%	25,908	45.6%
86	56,342	5,852	13.3%	36,079	82.9%	414	0.8%	18,537	23.4%	59	0.1%	8,176	12.3%	643	1.0%	19,313	20.1%
87	54,819	19,445	35.5%	36,228	66.1%	690	1.3%	2,236	4.1%	140	0.3%	1,746	3.2%	516	0.9%	7,537	13.7%
88	56,826	14,837	21.9%	51,312	78.8%	492	0.7%	2,181	3.2%	110	0.2%	2,896	3.9%	417	0.6%	4,001	6.0%
89	56,922	41,471	72.9%	23,166	40.6%	429	0.8%	1,815	3.2%	89	0.2%	1,000	1.8%	526	0.9%	6,829	12.0%
90	52,752	42,885	80.9%	18,984	35.9%	348	0.7%	1,779	3.4%	81	0.2%	1,053	2.0%	503	1.0%	11,875	22.5%
91	49,375	10,814	21.9%	38,562	78.3%	376	0.8%	1,529	3.1%	63	0.1%	810	1.2%	299	0.6%	11,333	23.0%
92	54,472	46,541	83.6%	17,408	32.0%	422	0.8%	1,246	2.3%	69	0.1%	731	1.3%	745	1.4%	19,849	36.1%
93	56,175	26,963	48.9%	30,836	56.6%	482	0.8%	2,824	4.8%	130	0.2%	2,348	4.3%	577	1.0%	9,713	17.6%
94	56,572	19,246	34.6%	37,718	67.9%	478	0.9%	2,045	3.7%	110	0.2%	1,133	2.0%	566	1.0%	8,788	15.8%
95	51,008	43,539	85.4%	17,021	33.4%	331	0.6%	913	1.8%	56	0.1%	642	1.3%	601	1.2%	18,721	36.7%
96	56,293	14,143	20.7%	53,481	78.3%	456	0.7%	3,030	4.4%	110	0.2%	796	1.2%	414	0.6%	8,745	12.8%
97	57,243	16,379	24.4%	52,599	78.2%	923	1.4%	667	1.0%	40	0.1%	481	0.7%	247	0.4%	22,423	33.3%
98	59,660	12,302	20.6%	48,573	81.4%	539	0.9%	494	0.8%	36	0.1%	428	0.7%	197	0.3%	4,083	6.8%
99	63,601	20,398	32.1%	46,220	72.7%	527	0.8%	821	0.8%	33	0.1%	809	1.3%	217	0.3%	7,667	12.1%
100	61,071	20,837	34.1%	38,910	63.7%	551	0.9%	1,382	2.2%	146	0.2%	2,048	3.4%	874	1.4%	8,168	13.4%

From: jmassie@jpmassie.com
To: Mike Wade <sheriffwade@comcast.net>
Subject: Help with Contested Election Information
Date: 3/10/2011 3:15:04 PM
Attachments: Richmond-Chesterfield-Henrico-Elections.xls

Mike. . . Please review the attached (open and then click on Henrico County elections tab) and let Chris Marston know (at his email address above in Cc or via cell at 703.627.4679) which contested elections featured a Black African American(s) running against a white European American(s)/other.

Chris needs this info for voting rights compliance as he is working on redistricting and I thought you would know a lot more about the past Henrico elections than I do.

I hope all the Wades/Woods are well!

Jimmie

James P. Massie, III
James P. Massie III, Inc.
700 East Main Street, Suite 1604
Richmond, Virginia 23219
(804) 649-0190
jmassie@jpmassie.com

——Original Message——

From: Chris Marston
[mailto:chris.marston@gmail.com]
Sent: Thursday, March 10, 2011 1:54 PM
To: johnobannon@comcast.net; Jimmie Massie; Manoli Loupassi; Del. Cox; Bill Flanagan; amcgiffin@comcast.net; jmassie@jpmassie.com
Subject: Help with Contested Election Information

Delegates Cox, Massie, and O'Bannon– Bill, Meg, Archer–

I would appreciate your help. As part of the analysis required for compliance with the Voting Rights Act, we need to review results from contested elections in which a black candidate and a white candidate participated.

I've attached a spreadsheet listing all of the contested elections for local office–one tab per jurisdiction–over the last decade.

Could you review the spreadsheet and let me know, which, if any, of these races featured both a black and a white candidate?

You can just let me know which contests and which candidate is of which race in a reply e-mail. If you could also let me know if there are any elections about which you are unsure, that would be helpful.

If you could get back to me by Friday evening, I'd really appreciate it.

Thanks,

Chris

From: Chris Marston <chris.marston@gmail.com>
To: cortland.putbrese@morisonansa.com
Subject: Fwd: Help with Contested Election Information
Date: 3/11/2011 5:31:14 PM
Attachments: Richmond-Chesterfield-Henrico-Elections.xls

Cortland,

Hope all's well. You may not recall, but we did some work together on new media at the 09 Convention.

I'm still with Speaker Howell and I'm supporting the Caucus on redistricting.

To comply with the Voting Rights Act, we have to do some statistical analysis. One of the things we need to look at is election returns form races in which both black and white candidates competed.

I've attached a spreadsheet that lists candidates in all the contested races in the City of Richmond (as well as Henrico and Chesterfield).

Could you take a look and let me know if any of the races featured both black and white candidates? If you're not sure of any and you could reach out to one of your Richmond GOP colleagues to find out, I'd be really grateful.

Sorry for the short notice, but I'm hoping to have this back by Tuesday.

Thanks,

Chris

Approved 3/25/11

HOUSE COMMITTEE ON PRIVILEGES AND ELECTIONS COMMITTEE RESOLUTION NO. 1 – House of Delegates District Criteria

(Proposed by Delegate S. Chris Jones)

RESOLVED, That after consideration of legal requirements and public policy objectives, informed by public comment, the House Committee on Privileges and Elections adopts the following criteria for the redrawing of Virginia's House of Delegates districts:

I. Population Equality

The population of legislative districts shall be determined solely according to the enumeration established by the 2010 federal census. The population of each district shall be as nearly equal to the population of every other district as practicable. Population deviations in House of Delegates districts should be within plus-or-minus one percent.

II. Voting Rights Act

Districts shall be drawn in accordance with the laws of the United States and the Commonwealth of Virginia including compliance with protections against the unwarranted retrogression or dilution of racial or ethnic minority voting strength. Nothing in these guidelines shall be construed to require or permit any districting policy or action that is contrary to the United States Constitution or the Voting Rights Act of 1965.

III. Contiguity and Compactness

Districts shall be comprised of contiguous territory including adjoining insular territory. Contiguity by water is sufficient. Districts shall be contiguous and

compact in accordance with the Constitution of Virginia as interpreted by the Virginia Supreme Court in the cases of *Jamerson v. Womack*, 244 Va. 506 (1992) and *Wilkins v. West*, 264 Va. 447 (2002).

IV. Single-Member Districts

All districts shall be single-member districts.

V. Communities of Interest

Districts shall be based on legislative consideration of the varied factors that can create or contribute to communities of interest. These factors may include, among others, economic factors, social factors, cultural factors, geographic features, governmental jurisdictions and service delivery areas, political beliefs, voting trends, and incumbency considerations. Public comment has been invited, has been and continues to be received, and will be considered. It is inevitable that some interests will be advanced more than others by the choice of particular district configurations. The discernment, weighing, and balancing of the varied factors that contribute to communities of interest is an intensely political process best carried out by elected representatives of the people. Local government jurisdiction and precinct lines may reflect communities of interest to be balanced, but they are entitled to no greater weight as a matter of state policy than other identifiable communities of interest.

VI. Priority

All of the foregoing criteria shall be considered in the districting process, but population equality among districts and compliance with federal and state constitutional requirements and the Voting Rights Act of 1965 shall be given priority in the event of conflict

among the criteria. Where the application of any of the foregoing criteria may cause a violation of applicable federal or state law, there may be such deviation from the criteria as is necessary, but no more than is necessary, to avoid such violation.

DL S/mrs
3/25/11

From: G. Paul Nardo <gpn740@gmail.com>
To: GMail <gpn740@gmail.com>
Subject: Fwd: Messaging on House Redistricting Maps
Date: 3/29/2011 7:09:50 PM
Attachments: 20110329 - Message Points on House Redistricting Plan & Maps.doc

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Caucus Members,

THIS E-MAIL IS VERY IMPORTANT; PLEASE READ, SAVE & USE

As promised, I'm attaching suggested "messaging points" for your use in response to inquiries (media, constituents or others) about House Bill 5001, redistricting legislation introduced today by Delegate Chris Jones.

Like before, the Speaker, Chris & Rob Bell strongly encourage you to stick to these key points.

Remember: the public record is open and anything you or your LAs say can and may be used in a possible lawsuit challenging a final enacted plan that's sent to DC. Accordingly, to help ensure success on all fronts (legislative, legal, political, etc.), it is absolutely imperative that each and every one of us exercise diligent message discipline.

Further Heads Up:

A first and obvious question tonight that the media (and many of you) are asking is: "Who got put in with whom in the Jones plan? The answer: *Dems Johnson & Phillips, Dems Miller & Lewis, Reps Athey & Sherwood, and Dem Abbott & Repub. Oder as well as Dem Armstrong and Repub Merricks.* Should someone ask a follow-up as to "Why?" the plain and honest answer is this: *the Jones plan follows the dictates of*

population/demographic changes and the requirements of the federal Voting Rights Act.

More specific "local" questions for you in your own individual district are likely to be along the lines of: "Did you want to represent this or that area?" or "Do you like the way the Jones plan does this or that?" and so forth. The smart answer would be something like: *"I'm looking forward to introducing myself to these new people"* or *"I don't know why Del. Jones drew the map this or that way, you'll have to ask him. But, the most important thing for me is my wanting to work hard to reach out to and work with these areas so I can most effectively represent them in the House."*

If you get asked a question that you cannot answer, just say so because it's Delegate Jones' legislation. You look forward to finding out more about it when Special Session I on Redistricting begins in earnest next week. Hopefully, you get the gist of what we're strongly suggesting.

Finally, if you have any specific questions and/or need help, please do not hesitate to call the Speaker, Chris Jones, Rob Bell or me. Here's the appropriate contact numbers:

Speaker Howell (540) 840-0241 Del. Chris Jones (757) 676-4961 Del. Rob Bell (434) 249-8590

GP Nardo (804) 840-6915

Hope this helps,

GP

———Forwarded message ———

From: G. Paul Nardo <gpn740@gmail.com>
Date: Tue, Mar 29, 2011 at 5:58 PM
Subject: Heads Up -- House Redistricting Maps will be available on DLS Website in near future
To: House Majority Caucus Members

Caucus Members,

FYI. The URL for the DLS website is http://redistricting.dls.virginia.gov/2010/

I'll have some macro messaging points around to everyone within the next hour. The DLS website is overwhelmed presently as they try to get the House, and I believe Senate, map posted. In the meantime, everyone is STRONGLY URGED to not talk to folks about things until you get the messaging points.

Thanks,

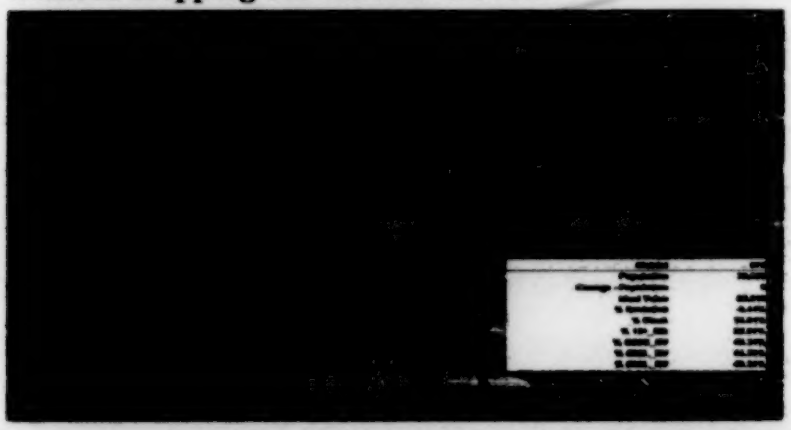
GP

From: Chris Marston <chris.marston@gmal.com>
Sent: Friday, April, 1 2011 10.33 PM
To: scj <scj@schrisjones.com>
Subject: HD61-HD75 Dale's Options
Attach: DLO-Southside-3.pdf; DLO-Southside-2.pdf

Someone's having trouble following directions.

Here are the two options that Dale proposes, neither of which fully address Tyler's concerns.

I'll try and generate another one that gets it done without dropping the %BVAP too low.



The Public Interest in Redistricting

A Report of the

Independent Bipartisan Advisory Commission on Redistricting

Commonwealth of Virginia

April 1, 2011

Bob Holsworth

Chair

Commission Members

Gary H. Baise

Viola O. Baskerville

Barry E. DuVal James W. Dyke Jean R. Jensen J. Samuel Johnston

Walter D. Kelley, Jr.

Sean T. O'Brien Cameron Quinn Ashley Taylor

Commission Advisors

Dustin A. Cable Charles W. Dunn Ernest C. Gates William H. Hurd Quentin Kidd Michael P. McDonald

Anthony T. Troy

Judy Ford Wason

Commission Staff

Steven M. Jones

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Section 7	Metrics, Choices, and Maps

Acknowledgments

Section 1

The Public Interest and Guiding Principles

More than 300 citizens attended and more than 70 citizens testified during Public Forums conducted by the Independent Bipartisan Advisory Commission on Redistricting in Richmond, Roanoke, Northern Virginia, and Hampton Roads, and many other citizens submitted written testimony. These Virginians included private citizens, representatives of organizations, members of the General Assembly, mayors, and members of city councils and county boards. Besides the obvious conclusion that a large cross-section of citizens has a keen interest in redistricting, four other vital conclusions stand out from their testimony.

1. Reform. A common current in their testimony focused on changing the existing approach to redistricting, which on the whole leaves citizens out of the process. Many members of the public believe that elected representatives enjoy a reelection insurance policy, which enables them to choose their own constituencies in the drawing of district boundaries. Time and again citizens testified that voters should choose their elected representatives, rather than have elected representatives choose their voters. They frequently said that allowing elected representatives to draw district boundaries favorable to their own political interests undermines two vital ingredients of a democracy: vigorous competition and healthy debate.

2. Transparency. Many citizens testified that the current redistricting process lacks transparency, openness, and ease of understanding. They find themselves far removed from a process that they do not understand. But several other factors further complicate the basic process of drawing district boundaries, namely Virginia's economic, political and social diversity, its size, and its history that places the Commonwealth under Section 5 of the Voting Rights Act. Despite these complexities, however, a transparently open redistricting process would at a minimum enable citizens to understand available alternatives.

3. Compact Size, Contiguous Boundaries, Communities of Interest. Many witnesses before the Commission provided examples of gerrymandering that they felt egregiously violated one of three generally recognized tenets of appropriate district composition: compact size, contiguous boundaries, and communities of interest. Because so many districts throughout the Commonwealth violate these fundamentally and historically accepted tenets, citizens often do not know either who their representatives are or how they may contact them. Likewise, some elected representatives testified that they find it difficult to effectively represent far-flung districts which lack compact size, contiguous boundaries, and communities of interest.

4. Fairness. Witnesses before the Commission frequently invoked the word *fairness*. Now

> is the time, they contend, to apply fundamental standards of fairness to the redistricting process that (1) enable constituents and their elected representatives to have easier access to one another, and (2) cause individual communities throughout the Commonwealth to have confidence that their interests receive proper representation.

Being fully cognizant of widespread citizen interest in redistricting and the preponderant views exhibited in their testimony, the Independent Bipartisan Advisory Commission on Redistricting chose to observe the following seven guidelines and principles in the conduct of its work and in the making of its recommendations.

First, the Commission's work should comply with the "one person, one vote requirements" of the U.S. Constitution as interpreted by the U.S. Supreme Court. Regarding the U.S. House of Representatives, the Court has ruled that states "must make a good faith effort to achieve precise mathematical equality" in population. However, at the state legislative level, the Court has allowed some deviations from the standard of "precise mathematical equality" if the rationale for those deviations are clearly stated in advance, conform to considerations of the Voting Rights Act and appropriately respect the stated rationale, which should involve the traditional criteria, such as political boundaries, communities of interest and other appropriate, articulated state interests.

Second, the Commission's work should comply with the Voting Rights Act. Of particular relevance are Sections 2 and 5, which contain significant

requirements for the Commonwealth of Virginia. First, Section 2 prohibits diluting minority vote through "manipulation of district lines," though it does not require maximizing minority voting strength. Second, Section 5 requires that Virginia's redistricting plan not regress from the number of majority-minority districts found in "baseline" plan. In the redistricting done pursuant to the 2000 census, Virginia had 1 majority-minority district in the U.S. House of Representatives, 5 majority-minority districts in the State Senate, and 12 majority-minority districts in the State House of Delegates. At the time of the 2010 census, the number of majority-minority districts was still 1 for the House of Representatives and 5 for the State Senate; however, population changes had reduced the number of majority-minority districts in the House of Delegates to 11. Although there may be some ambiguity as to which year furnishes the appropriate baseline – 2000 or 2010 – the Commission elected to use 2000 to maintain 12 majority-minority districts in the House of Delegates.

Third, the Commission's work, while recognizing the fundamental requirements of the Voting Rights Act, should ensure compliance with Article Two, Section Six of the Virginia Constitution, which directs that each district consist of contiguous and compact territory.

Fourth, the Commission's work should, to the maximum extent possible, maintain municipal and county boundaries and respect communities of interest, including economic communities of interest.

Fifth, the Commission's work should, to the maximum extent possible, respect Virginia's increasingly apparent regional identities in the 21st

Century, such as Northern Virginia, Hampton Roads, Central Virginia, and Southwestern Virginia.

Sixth, the Commission recognizes that any redistricting plan inevitably includes tradeoffs. Some of these, such as in Congressional redistricting, may require significant "stretching" of districts to meet population requirements. Others may require judgments that balance Voting Rights Act considerations with the maintenance of municipal and county boundary lines.

The Commission contends that appropriate trade-offs can be made without violence to the principles of equal population, Voting Rights Act requirements, compact size and contiguous boundaries, maintaining municipal and county boundaries, and respecting communities of interest.

Seventh, the Commission's work should comply with the expressed desires of citizens across the Commonwealth (1) that ordinary citizens have the opportunity to understand both the process and the results of redistricting, and (2) that the composition of districts facilitate rather than inhibit political interest and engagement in the democratic process.

Section 2

History of the Commission

The work of the Independent Bipartisan Advisory Commission on Redistricting stands out as a landmark in the movement toward an open, impartial redistricting process that actively engages the people in pursuit of the public interest. For the first time in Virginia's history, the Governor and the Virginia General Assembly have for their consideration alternative redistricting plans that meet

constitutional and legal standards and were developed in a manner that puts the public interest above partisan, parochial interests. But how did it all begin?

First, a cross-section of business and civic leaders identified two related problems: the lack of competition in state legislative and Congressional elections and hyper-partisanship in the legislative process. These leaders saw that the combination of these problems (1) fostered partisan gridlock in the legislative process and inhibited the achievement of practical solutions to problems, (2) eroded the accountability of elected representatives' to their constituents, and (3) undermined citizens' interest in voting or otherwise participating in their government.

Second, in 2007 these concerned citizens formed the Virginia Redistricting Coalition to advocate redistricting reform, which soon expanded to include other like-minded business and civic leaders and organizations throughout the Commonwealth, including the Virginia Chamber of Commerce, the League of Women Voters of Virginia, the Virginia Interfaith Center for Public Policy, AARP Virginia, the Virginia Business Council, Virginia 21, the Future of Hampton Roads Inc., Richmond First Club, and others. Prominent elected officials, including Governors Mark Warner and George Allen, also supported this endeavor.

Third, the Coalition proposed a "Virginia Model for Redistricting Reform," which focused on eliminating incumbency protection, controlling gerrymandering, providing for ample public comment and review, and adhering to the legal requirements of compactness, contiguity, equal population, and protection of minority voter rights.

Fourth, for several years the Coalition supported in the General Assembly a bill that would create an official bipartisan commission with the authority to devise redistricting plans subject to an up-or-down vote by the General Assembly.

Fifth, during the 2009 gubernatorial election, both the Democratic candidate, Senator Creigh Deeds, and the Republican candidate, now Governor Bob McDonnell, endorsed the creation of a bipartisan redistricting commission.

Sixth, on January 10, 2011, by Executive Order No. 31, Governor McDonnell fulfilled this campaign promise and created the Independent Bipartisan Advisory Commission on Redistricting, with instructions that it:

- Solicit broad public input;
- Function openly and independently of the executive and legislative branches; and
- Present its report and recommendations directly to the President Pro Tem of the Senate, the Speaker of the House, the chairs of the Senate and House Privileges and Elections Committees, and the Governor for consideration in advance of the reconvened session of the General Assembly.

Further, the Governor's Executive Order began with this preamble: "Legislative districts must be drawn in a way that maximizes voter participation and awareness and lines should reflect commonsense geographic boundaries and strong communities of interests."

As expressed in the Executive Order, here are the five criteria established by the Governor for the Commission to follow:

1. Consistent with Article II, Section 6 of the Constitution of Virginia, all districts shall be composed of contiguous and compact territory and shall be as equal in population as is practicable and in compliance with federal law. No district shall be composed of territories contiguous only at a point.

2. All districts shall be drawn to comply with the Virginia and United States Constitutions, applicable state and federal law, the Voting Rights Act of 1965, as amended, and relevant case law.

3. The population of legislative districts shall be determined solely according to the enumeration established by the 2010 federal census. The population of each district shall be as nearly equal to the population of every other district as practicable.

4. All districts, to the extent practicable, shall respect the boundary lines of existing political subdivisions. The number of counties and cities divided among multiple districts shall be as few as practicable.

5. To the extent possible, districts shall preserve communities of interest.

The guidelines in the Executive Order excluded political criteria, such as partisan political advantage and electoral competition. When delivering his charge orally to the Commission at its first meeting, the Governor emphatically reinforced that exclusion.

To read the full text of the Governor's Executive Order, please see: http://www.governor.virginia.gov/issues/executive[illegible]/2011/EO-31.cfm .

Section 3

Public Forums

To respect the Governor's charge that the Commission seek public input about the redistricting process, the Commission conducted Public Forums in four regions of Virginia:

- Richmond on March 11th at the Capitol;
- Roanoke on March 14th at Western Virginia Community College;
- Fairfax on March 15th at George Mason University; and
- Norfolk on March 21st at Norfolk State University.

Following a similar format at each venue,

1. The Commission Chair made opening remarks about the purpose and aims of the Commission;
2. The Commission's Legal Counsel presented the constitutional and legal principles undergirding redistricting in the United States and how these principles apply to Virginia;
3. The Commission then heard testimony from private citizens, elected officials, and representatives of organizations;
4. Students from local colleges and universities presented their redistricting maps and described how and why they had constructed them; and

5. Commission members offered concluding remarks that expressed appreciation for the input they had received.

Critics of bipartisan redistricting contended that citizens have little interest in redistricting, but the facts belie the charge.

- More than 300 citizens attended the four Forums;
- More than 70 citizens, including 15 legislators, testified;
- Besides legislators, those testifying included representatives of organized political parties, interest groups and non-partisan associations, and elected officials at the local level;
- Others submitted written testimony; and
- During approximately two hours at each forum/hearing, hardly anyone left.

As these citizens testified eloquently and from the heart about the state of democracy in Virginia, their testimony developed several common themes of compelling interest to the Commission. One overarching conclusion, however, tied each of these themes together.

- The redistricting process urgently needs to be reformed.

First, many ordinary citizens neither understand the redistricting process nor do they know who represents them in the General Assembly. While technological advancements continue to make so many activities easier to understand and undertake, politics for many remains inexcusably opaque. Indeed, several members of the General Assembly testified (1) that their far-flung districts make it difficult for them to provide proper constituent service and representation,

and (2) that constituents frequently do not know who represents them.[1]

Second, Citizens feel that Congressional and state legislative districts separate communities of interest for inappropriate reasons. Time and again, citizens told the Commission that their districts divide rather than unite communities of interest. Bewildered by oddly drawn and befuddling district boundary lines, they could find no other reason for them than the advantage these bizarre districts give to incumbents running for office. That is, these districts are reelection insurance policies for incumbents. Many of these same citizens as well as others testified that emerging regional and economic similarities should find their expression in the drawing of district lines.

Third, the splitting of municipal and county jurisdictions drew the ire of citizens, who gave numerous examples of how several delegates and more than one senator represented one, sometimes small, locality. Understandably some might argue that localities may gain more effective representation by having more than one legislator look after their interests, but that was not the position of most, if not all, citizens who testified on this point. Instead, they pointed out the difficulties that citizens have in knowing who to contact, who to hold accountable, and who among several legislators should coordinate or lead the representation of local city and county interests in the General Assembly. Citizens who

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[1] For a decade voters in Virginia have had electronic access to this information through the Virginia State Board of Elections. Those interested may check their information at http://www.sbe.virginia.gov/. In addition, the General Assembly website provides such information at http://legis.state.va.us/1_cit_guide/contacting_my.html.

testified feel that cities and counties receive more effective representation from unity rather than diversity or multiplicity of representation.

Illustrative of the testimony received by the Commission:

Frank Jones, the Mayor of Manassas Park, sent the Commission a unanimous recommendation from the Town Council that the jurisdiction be represented by only one delegate district and one senatorial district.

Michael Amyx, Executive Director of the Virginia Municipal League, highlighted the importance of having local governments work easily with their state delegations, which current districts discourage. He stated that "Slicing up cities, counties and towns in order to protect political interests can leave communities disconnected." As examples, he cited the following illustrations:

- Four state senators and seven delegates represent portions of the City of Chesapeake;
- Five state senators and seven delegates represent portions of the City of Virginia Beach, which has twice the population of Chesapeake; and
- Two senators and two delegates represent portions of the 8,000 residents of the small City of Franklin.

Amyx then asked: "What are we trying to accomplish here? How are the communities of interest for Franklin and Chesapeake maintained by diluting that representation to such an extent that the community is either overwhelmed by its neighbors or too chopped-up to voice a coherent message? Common sense would seem to dictate that legislative district lines should help foster a closer relationship between

local governments and state legislators. Ensuring that state elected officials and local governments share common communities of interest will better enable us to address our most pressing problems. A more effective working relationship would benefit all citizens in the Commonwealth."

Paul Fraim, the Mayor of Norfolk, reinforced this perspective, noting that three of Norfolk's six House districts have only a small minority of Norfolk residents in them, thus "severely reducing the ability of their voices to be heard in Richmond on issues of concern to them as Norfolk residents." He pointed out that in at least one instance a small number of Norfolk residents find themselves in a rural district with no recognizable interests.

In addition, Fraim mentioned that the present legislative redistricting in the City of Norfolk splits precincts so that in some instances people voting at the same polling place find themselves standing next to other people voting for different candidates in a different election. To illustrate, Mayor Fraim testified that:

> When Norfolk residents in precinct 106 (Zion Grace) go to the polls to vote for a member of the House of Delegates, one person in line may be handed a ballot for District 100 while the person behind may be given one for District 79. So part of the residents of that Norfolk precinct vote for someone who primarily represents Accomack and the rest get to vote for someone who primarily represents Portsmouth, even though all live in the same precinct in Norfolk. Living in the same neighborhood and even going to the same polling booth, they don't even get to vote

for the same slate much less for someone who clearly represents Norfolk's interests.

Besides the common themes expressed at the Commission's Forums, other matters received heightened attention at particular venues.

- In the Norfolk Forum, private citizens and members of the Legislative Black Caucus urged the creation of a second majority-minority Congressional district, and the exploration of options that would create more majority-minority state legislative districts.
- In the Northern Virginia Forum, various witnesses advocated consideration of common transportation lines, dense housing patterns, experience of immigration and/or economic disadvantage in determining communities of interest.
- In Roanoke, all but one person who testified stated that Roanoke properly belongs in a Congressional district that includes the Shenandoah Valley, not far southwest Virginia.

The Forums not only provided helpful guidance to the Commission in learning about matters of general concern regarding redistricting, but also helpful guidance regarding matters of unique concern to individual regions.

And occasionally citizens focused on matters important to redistricting, but outside the Governor's charge to the Commission.

- Perhaps the most prominent issue arose when the League of Women Voters, the Future of Hampton Roads and several private citizens advocated that the Commission propose

competitive districts. To implement competitiveness as a criterion might involve trade-offs between competitiveness on one hand and the maintenance of municipal and county boundaries and/or communities of interest on the other.

- In some instances citizens addressed issues of local interest, such as how redistricting might affect the location of a jail or a local magisterial district.

These two points, though worthy, fall outside the Commission's jurisdiction. But they did not detract from the indispensable benefit of the Forums in helping the Commission develop its guiding principles and specific recommendations.

Section 4

The Virginia College and University Redistricting Competition

The Virginia College and University Redistricting Competition, organized by Professors Michael McDonald (George Mason University) and Quentin Kidd (Christopher Newport University), had two goals: (1) to teach students how to participate in redistricting; and (2) to demonstrate that interested citizens can also participate.

Moreover, the Commission believes that the winning maps in the division of the competition that utilized the criteria that the Governor provided to the Commission should be granted serious consideration during the redistricting process. We commend these maps, which can be found at the following website: http://www.varedistrictingcompetition.org/results/

The competition included two divisions.

- Division 1 maps addressed the criteria of contiguity, equipopulation, the federal Voting Rights Act, communities of interest that respect existing political subdivisions, and compactness, but, in keeping with the Governor's Executive Order, they could not address electoral competition and representational fairness.
- Division 2 maps addressed the criteria of contiguity, equipopulation, the federal Voting Rights Act, and communities of interest that respect existing political subdivisions, compactness, electoral competition, and representational fairness.

Some 150 students on 16 teams from 13 colleges and universities submitted 55 plans for the U.S. House of Representatives, State Senate, and House of Delegates. Two judges, Thomas Mann (Brookings Institution) and Norman Ornstein (American Enterprise Institute), chose the winning maps.

All 55 maps appear on the following website, http://www.varedistrictingcompetition.org/.

The student competition provided invaluable assistance to the Commission in dealing with three important challenges:

1. How to address communities of interest;
2. How to adhere to the Voting Rights Act; and
3. How to implement the equal population requirement.

The 55 maps demonstrated the importance of (1) keeping communities of interest together, including ethnic and racial communities, (2) respecting traditional political boundaries, such as cities and

counties, (3) considering significant changes in Virginia's population, and (4) being cognizant of Virginia's existing and emerging regions. And in doing so to comply with the Voting Rights Act and the equal population requirement.

Communities of Interest. Teams viewed communities of interest on several levels. First, they saw Virginia as a grouping of regions and organized their redistricting plans around these identities. Second, they saw within those regions more specific communities of interest, normally centered on an urban area or large community, and some looked for communities of interest within larger urban areas.

1. One approach considered the socio-economic landscape, such as in "the western half of Richmond, half of Henrico, and other counties that are closely tied with the economic and social landscape of the Richmond metro area. Many of these areas have significant portions of their populations who either live in or commute to Richmond often and have relatively similar socio-economic statuses."

2. Another approach, as in the case of Hampton Roads, sought to maintain the regional identity of its military, shipbuilding, and tourism interests.

3. Then in western Virginia the student maps respected its historic rural and agricultural interests.

4. Finally, while all teams attempted to minimize the divisions of cities and counties, they recognized the impossibility of uniformly accomplishing this objective,

> because it constrained efforts to achieve other objectives, such as the equal population criterion. Often, of course, they found that communities of interest overlapped these traditional political boundaries.

Voting Rights Act Requirements. Drawing compact majority-minority districts while maintaining communities of interest became the greatest challenge facing the student teams. So, given the requirements of the Voting Rights Act, student teams sometimes sacrificed compactness in order to achieve the appropriate number of majority-minority districts.

Equal Population Requirements. Believing that a compact district and an intact community of interest provide for better representation, the student maps placed a premium on district compactness and community of interest over the achievement of equal population. Despite this bias, however, in almost all instances their maps stayed within the plus-minus range of 5 percent for state legislative districts and adhered to the exact population equality required Congressional districts.

Commission members were extremely impressed by the student efforts throughout competition. The dedication of the student groups was exemplary. The thoughtfulness creativity of the teams helped to inform the dialogue and decisions that the Commission it reached. And one of the teams, the students from the Law School at the College of William Mary, actually assisted the Commission in its final weeks. The competition was ultimately a testimony to the extraordinary potential that is being developed at Virginia's colleges and universities.

Section 5

Constitutional and Legal Issues

In considering the legal principles applicable to redistricting, recognition must be given first foremost to the constitutional provisions in the Virginia Constitution and the Constitution of United States. Second, adherence must be given to the provisions of the Voting Rights Act, both Section 2 and Section 5 (the latter being applicable to Virginia as a "covered" state). Lastly consideration must also be given to additional redistricting principles not contained in constitutions or statutes but allowed and approved by case law.

Constitutional Principles

1. Virginia Constitution

"Every electoral district shall be composed of *contiguous and compact territory* and shall be so constituted as to give, as nearly as is *practicable*, representation in proportion to the population of the district."

Article II, § 6 (emphasis added).

2. Contiguity

"[A] district that contained two sections completely severed by *another land mass* would not meet this constitutional requirement [for contiguity]. . . . [L]and masses separated by *water* may nevertheless satisfy the contiguity requirement in *certain circumstances*."

Wilkins v. West, 264 Va. 447, 463-64 (2002) (emphasis added)

Wilkins rejected a trial court's requirement that there must be a bridge, road or ferry allowing full internal access to all parts of the district. As requested

by the Governor, however, if districts have land masses separated by water, then to the extent feasible such land masses should be connected by bridges.

3. Compactness

In the *Wilkins* case, experts on both sides used two objective measures of compactness:

- Reoch/Geographic Dispersion Method: "measures the level of compactness by determining the ratio of the area of the district to the smallest circle that can be superimposed over the district." *Id.* at 464, n.6.
- Polsby/Popper/Perimeter Compactness Method: "computes a ratio based on the area of the district compared to a circle that equals the length of the perimeter of the district." *Id.*

Other quantifiable measures of compactness may also exist; however, no rules have been adopted favoring one method over another or adopting any bright lines for when a district is not sufficiently compact to pass constitutional muster.

4. U.S. Constitution

"One man, one vote" is required

Article I, § 2

(pertains to Congressional Districts)

There is "no excuse for the failure to meet the objective of equal representation for equal numbers of people in congressional districting other than the practical impossibility of drawing equal districts with mathematical precision."

Mahan v. Howell, 410 U.S. 315, 322 (1973).

14th Amendment – Equal Protection Clause

(pertains to House of Delegates and State Senate Districts)

"[B]roader latitude has been afforded the States under the Equal Protection Clause in state legislative redistricting. . . ."

Mahan, 410 U.S. at 322.

Complete numerical equality of districts is not required for House of Delegates and State Senate Districts. *See Daly v. Hunt*, 93 F.3d 1212, 1218 (4th Cir. 1996) ("If the maximum deviation is less than 10%, the population differential will be considered *de minimis* and will not, by itself, support a claim of vote dilution.").

In 2001, General Assembly used plus or minus 2% (a total deviation of 4%) for House of Delegates and State Senate Districts. *See Wilkins*, 264 Va. at 468, n.7.

5. Racial gerrymandering is prohibited.

"A party asserting that a legislative redistricting plan has improperly used race as a criterion must show that the legislature subordinated traditional redistricting principles to racial considerations and that race was not merely *a* factor in the design of the district, but was *the* predominant factor. The challenger must show that a facially neutral law is explainable on no other grounds but race."

Wilkins, 264 Va. at 467 (emphasis in original) (citing *Hunt v. Cromartie*, 532 U.S. 234, 241-42 (2001)).

Voting Rights Act, 41 U.S.C. § 1983(c)

The application of the Voting Rights Act ("the Act") to redistricting contains two major provisions –

Section 2 and Section 5 – these provisions work independently of each other.

1. Section 2 of the Voting Rights Act

Section 2 is applicable nationwide and prohibits any State from imposing a "voting . . . standard, practice or procedure . . . in a manner which results in the denial or abridgment of the right to vote on account of race or color." 42 U.S.C. § 1973(a). There is a violation of Section 2 if, given the "totality of circumstances," members of a minority group "have less opportunity than other members of the electorate to elect representatives of their choice." 42 U.S.C. § 1973(b). **This is the source of the "no dilution" principle. "Dilution" of minority vote is prohibited.**

"When the voting potential of a minority group that is large enough to form a majority in a district has been thwarted by the manipulation of district lines, minorities may justly claim that their "ability to elect" candidates has been diluted in violation of Section 2 [of the Voting Rights Act.]"

Hall v. Virginia, 385 F.3d 421, 429 (4th Cir. 2004)

The U.S. Supreme Court however, has ruled that "[f]ailure to maximize cannot be the measure of Section 2 [of the Voting Rights Act]." *Johnson v. DeGrandy*, 512 U.S. 997, 1017 (1994). In other words, failure to maximize does not constitute dilution of minority voting.

The Supreme Court has also discussed two types of districts that seem pertinent here. First, there are "minority influence" districts in which the minority can influence the outcome of an election even if its preferred candidate cannot be elected. Second, there are "crossover" or "consolidated" districts, where a

large bloc of minority voters aided by sympathetic majority voters "crossing" over in sufficiently large numbers will elect the minorities' preferred candidate.

Neither "minority influence" nor "crossover" districts are required by Section 2 of the Voting Rights Act. See Bartlett v. Strickland, 129 S. Ct. 1231 (2009); LULAC v. Perry, 548 U.S. 399 (2006). In other words, failure to create such a district does not constitute dilution of minority voting in violation of Section 2.

2. Illegal vote dilution based on race can occur through "cracking" or "packing."

Cracking: "the splitting of a group or party among several districts to deny that group or party a majority in any of those districts." *Id.* at n. 12 (*Thornburg v. Gingles* 478 U.S. 30, 50, n. 17).

Packing: "concentration of blacks into districts where they constitute an excessive majority." *Id.*

"On the other hand, when minority voters, as a group, are too small or loosely distributed to form a majority in a single-member district, they. . . cannot claim that their voting strength. . . has been diluted in violation of Section 2."

Hall, 385 F.3d at 429.

3. Section 5 of the Voting Rights Act

Section 5 is the preclearance provision and is applicable only to certain States and jurisdictions, including Virginia. Changes in voting law and procedures – including redistricting – cannot go into effect until they are cleared by the Department of

Justice ("DOJ") or by the federal district court in the District of Columbia.[2]

Regardless of where preclearance is sought, the Commonwealth must show that the change in the law "neither has the purpose or effect of denying or abridging the right to vote on account of race. . ." 42 U.S.C. § 1973(c). This standard is met if there is **no retrogression** when comparing minority voting strength under the new plan with minority voting strength under the old plan.

"Retrogression" is prohibited.

"The plan must contain no fewer majority-minority districts than the prior plan."

Wilkins, 264 Va. at 468.

For purposes of applying the non-retrogression principle, the baseline could be determined, hypothetically, either by (a) the number of majority-minority districts existing when the last redistricting occurred in 2001 and/or (b) the number of majority-minority districts existing at the time of the 2011 census (thus, reducing or increasing the original number based on population changes). The U.S. Supreme Court has suggested that both the current and prior census should be reviewed in determining a "baseline" for measuring retrogression, Georgia v. Ashcroft, 539, U.S. 461 (2003), at least when the population changes

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[2] Although Virginia has typically sought pre-clearance from the Department of Justice, it should be noted that another available option is to apply to the federal district court and seek expedited review. In general, Commission members support transparency in the redistricting process, including the review procedures. The Commission recognizes that Virginia's decision about which review route to pursue necessarily requires judgments about the overall best interest of the Commonwealth.

lead to an increase in the number of majority-minority districts. However, the Department of Justice, under its current guidelines, seems to suggest that it will use only the most current population data to measure both the benchmark plan and the proposed redistricting plan in determining issues of retrogression of minority-majority districts. See Federal Register, Vol. 76, No.27, at 7472, Feb. 9, 2011

Traditional Redistricting Principles

Traditional redistricting principles are basically outlined by case law. These basic principles are fully acceptable for implementation by a legislative body so long as constitutional principles – one man-one vote, compactness and contiguity are met. Recognizing and applying these principles – and declaring them to be important state interests – allows leeway from mathematical exactness in House of Delegate and State Senate redistricting plans (but not Congressional redistricting plans). However, if the legislature does not declare certain principles to be of importance – especially the recognition and preservation of political subdivision boundaries[3] – then less leeway is allowed and more exactness regarding allowed percentage deviations becomes required.

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[3] In Virginia's redistricting following the 1970 census, the General Assembly articulated that respect for political subdivision boundaries – at least for the House of Delegates – was an important and traditional state policy. In redistricting following the 2000 census, the General Assembly declared, by statute, certain criteria to be of importance; however, respect for political subdivision boundaries was not set out as an important criterion. See Va. Code § 24.2-305.

The main criteria allowed by the courts are set out by the *Wilkins* and *Mahan* cases, excerpts of which are as follows:

"[T]he General Assembly must balance a number of competing constitutional and statutory factors when designing electoral districts. In addition, traditional redistricting elements not contained in the statute, such as **preservation of existing districts, incumbency, voting behavior, and communities of interest**, are also legitimate legislative considerations."

Wilkins v. West, 264 Va. 447, 463-64 (2002) (emphasis added).

Population deviations may also be justified by adherence to ". . .advance the rational state policy of respecting the boundaries of political subdivisions" provided that disparities of the plan do not ". . .exceed constitutional limits."

Mahan v. Howell, 410 U.S. 315, 328 (1973).

"[W]here majority-minority districts are at issue and where racial identification correlates highly with political affiliation, the party attacking the legislatively drawn boundaries must show at the least that the legislature could have achieved its legitimate political objectives in alternative ways that are comparably consistent with traditional districting principles. That party must also show that those districting alternatives would have brought about significantly greater racial balance."

Wilkins, 264 Va. at 467 (quoting *Cromartie*, 532 U.S. at 258).

Conclusion

Although some clear constitutional and statutory rules apply to redistricting, there are a number of factors that a legislature – or a commission – may lawfully apply in its discretion, based on its own policy choices. Moreover, even where there is agreement about which factors should be considered, placing more emphasis on one factor may inevitably require less emphasis on another. In short, while some plans may deviate so far from accepted principles as to be readily subject to legal attack, there is no single legally correct answer to how redistricting lines should be drawn.

Section 6

The 2010 Census: Demographic Shifts

Virginia's population has grown steadily over the past 60 years. An increase of more than 900,000 between 2000 and 2010 continues a growth-rate trend of approximately 1 million per decade. Today's population, approximately 8 million, entitles Virginia to retain 11 seats in the U.S. House of Representatives.

This growth translates into increasing the populations of Congressional and state legislative districts. By dividing Virginia's total population by the number of districts, members of Virginia's Congressional delegation must now represent 727,366 people, an increase of nearly 100,000 from one decade ago. Each House of Delegates district must now contain about 80,000 people, and each Senate district, about 200,000.

But geographic unevenness marks Virginia's growth rate. Three major metropolitan areas account for 82

percent of the growth: Northern Virginia, 55 percent; Metropolitan Richmond, 17 percent; and Hampton Roads, 10 percent. While most parts of the state experienced population gains, some lost population, including Southside, Southwest, the Shenandoah Valley, the Northern Neck, and the Eastern Shore. Accomack and Buchanan counties and the cities of Danville and Martinsville lost more than 10 percent each. In Hampton Roads, both Portsmouth and Hampton lost population.

Ethnically, Virginia's Hispanic population, now at 8 percent, nearly doubled from 2000 to 2010. By location, 62 percent of Hispanics live in Northern Virginia, with Manassas Park having the highest percentage (33 percent), followed by Manassas and Prince William County. Outside of Northern Virginia, only Harrisonburg and Galax make the "Top Ten" list of Virginia localities having the largest percentages of Hispanics.

Racially, the Asian population continued to grow, from 4 percent of the state total in 2000 to 6 percent in 2010. At 19 percent, the proportion of African Americans in Virginia remains much the same as 10 years ago, both in percentage and in geographic location. People who classify themselves as of mixed racial background demonstrate some population growth.

Section 7

Metrics, Choices, and Maps

The Commission identified two fundamental problems in map making: a lack of transparency and understandable standards for determining the impact of alternative redistricting plans. Clarity generally exists with regard to equal population standards and

the number of majority-minority voting districts, but not with regard to compactness and the splitting of municipal and county boundaries. To overcome this problem the Commission utilized four measures that helped to frame its choices and guide its recommendations.

Metrics

1. Voting Rights Act Considerations. Voting rights experts typically use two standard metrics for analyzing a redistricting plan's consistency with voting rights considerations: the number of minority opportunity districts and the level of minority voting-age population within them to provide a minority community the opportunity to elect a candidate of their choice.

The first metric focuses on the number of proposed majority-minority districts. In evaluating this metric, the Commission determined whether proposed plans established majority-minority voting districts in all places where required to do so in a manner that is consistent with the other essential redistricting criteria.

Section 5 of the Voting Rights Act requires that Virginia statewide redistricting plans must not reduce, or retrogress, the overall number of effective majority-minority districts. Redistricting plans are submitted to the U.S. Department of Justice or U.S. District Court for the District of Columbia for evaluation and can be rejected if they are found to be retrogressive. The baseline Section 5 requirement is the number of districts with a majority of a minority voting-age population; however, there may be some ambiguity as to which year furnishes the appropriate baseline – 2000 or 2010.

The second metric focuses on the percentage of minority population of voting age within a district. Typically, voting rights experts through careful analyses of racial voting patterns within a community determine these percentages. This percentage cannot be too low, so as to not provide a community with a chance to elect a candidate of their choice, but it cannot be too large, as to inefficiently waste minority votes in an overwhelming minority district. Without the resources to conduct such racial voting analyses, the Commission sought to include in its majority-minority districts a percentage of minority voting-age population within the range accepted by the Department of Justice in 2001.

2. Equal Population. The Commission recognized that equal population standards can be different for Congressional and state-level redistricting. The Commission adopted an equal population standard for Congressional redistricting consistent with recent federal court decisions that favor absolute population equality. That is, if it is possible to divide the Commonwealth's population evenly by the number of Congressional districts, all districts must have exactly the same population, absent the practical impossibility of drawing equal districts with mathematical precision.

The Commission recognized that the federal standard for state-level redistricting has generally been more flexible, allowing variations of as great as 10% to meet other essential redistricting goals. However, tradition in the Commonwealth has been to require a stricter population standard than allowed by the federal courts. The Commission initially used a plus or minus 2% permissible variation in population for the Senate and House plans, and then explored

how relaxing this requirement further intersected with respecting county and city boundaries.

3. Compactness. Redistricting scholars have developed metrics that enable comparisons between different plans regarding the level of compactness of their districts. The Commission used one such metric, known as the Schwartzberg measure, to assess how the plans it developed compared to the plans that were adopted in 2001.[4]

4. Splitting of Counties and Independent Cities. The Commission was consistently asked by members of the public to recommend plans that kept municipal and county boundaries intact as much as possible. The Commission developed a simple metric that counted the number of times one or more districts split a county or independent city in the plans it produced[5] and compared this to the number of such splits in the plans adopted in 2001.

Choices

Redistricting is a balancing act. Each criterion that the Commission was directed to employ is, by itself, an expression of a value that is widely supported in the

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[4] The Schwartzberg measure is the ratio of the perimeter of a circle with the same area as a district to the perimeter of the district. The best scoring district would have a Schwartzberg measure equal to 100% and the least would have a measure equal to 0%. This measure gives a higher score to districts that have shorter perimeters, or in other words, have fewer oddly shaped extensions from the district.

[5] For example, if a county has only one district, the number of splits is zero. If a county has two districts, it is split twice; if it has three districts, it is split three times; and so on. Some larger counties and independent cities must be split because they cannot support a single district with the ideal population within their boundaries.

Commonwealth. Most citizens surely care about equal representation, complying with the Voting Rights Act, maintaining district lines that respect communities of interest and municipal and county boundaries, and having political districts that are compact and contiguous.

Yet striving to implement each of these criteria inevitably involves balancing a set of choices and tradeoffs. When a Congressional district requires 727,366 Virginians to be included in a single district, small rural jurisdictions may be put together with geographically distant areas where a community of interest may not have previously been perceived. As districts for the House and the Senate are drawn to approach mathematically equal populations, it becomes increasingly difficult not to split municipal and county lines in the composition of the districts. It is possible that creating majority-minority districts to give historically underrepresented populations the capacity to elect a candidate of their choice can result in a tradeoff regarding compactness and keeping municipal and county boundaries together.

Redistricting is also an evolving process. Legislatures may modify the criteria that they employ on a decennial basis, instituting small tweaks that have major effects. Definition of a community of interest may change over time and different regions of the Commonwealth may define this notion in varying ways. Voting rights considerations evolve over every redistricting cycle and new policy views are advanced once there is time to reflect upon and assess the results of litigation brought, and the prior redistricting plans. For example, the Commission heard from African-American elected officials at both the state and local levels who observed that they felt it was possible to

reduce the majority percentage in existing majority-minority districts and still retain full compliance with the Voting Rights Act.

The Commission continuously grappled with the choices and tradeoffs that are inevitably present in striving to apply the criteria under which it operated. These tradeoffs were especially apparent in the Commission's discussion of reducing city and county splits and possibly creating an additional majority-minority district in the Senate.

While the Commission identified these tradeoffs, the Commission recognized that redistricting is an extremely complicated process and that other plans may exist that improve upon one or all of the criteria the Commission used to guide its drawing of districts.

Voting Rights Act Considerations. The principal Section 5 requirement is the number of districts with a majority of a minority voting-age population using the most recent census. Using this metric, then Section 5 of the Voting Rights Act requires the following number of majority-minority districts in Virginia: 1 Congressional district, 5 Senate districts, and 11 House of Delegates districts. However, the Commission noted that the Department of Justice approved a House of Delegates plan in 2001 that had 12 majority-minority districts using the 2000 census. In the decade between 2000 and 2010, the minority voting-age population of one district had dipped below 50 percent, and the Commission elected to restore that district to majority-minority status, thereby avoiding any dispute as to which decennial census provides the appropriate baseline.

The Commission discovered in the course of its deliberations that it is possible to draw only one

majority-minority Congressional district. However, the Commission discovered there is more than one way to draw this district. The Commission decided to propose three configurations, as they represent different approaches to tying together minority communities and alter the way by which adjoining districts may be drawn.

The Commission also discovered that it is possible to draw as many as 6 Senate and 13 House of Delegates majority-minority districts. The effectiveness of these districts to elect a candidate of choice is dependent on a second Voting Rights metric employed by the Commission.

The Commission believes that the minority voting-age population within the 6th majority-minority Senate district *would not* be effective at electing a candidate of their choice using the 2001 baseline approved by the Department of Justice. The Commission decided to note this option, in case further exploratory mapping by others reveals a way to draw 6 effective majority-minority Senate districts.[6]

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[6] The Commission discussed a map proposal that presented a sixth majority-minority Senate District, which involved three specific tradeoffs. First, it reduced the overall compactness of the map and required splitting additional counties and independent cities. Second, it required reducing the overall minority populations in most of the other existing majority-minority districts from 55% to 52%. Third, the introduction of a sixth majority-minority Senate District necessitated districts that jumped predominant water boundaries in the Norfolk and Hampton area. In sum, it may be possible to create a sixth majority-minority district. But the tradeoff entails reducing compactness, increasing district splits, jumping water boundaries and lowering the level of minority population to slightly above 52% in many of the existing majority-minority districts.

The Commission found that the minority voting-age population within the 12 and 13 majority-minority House districts alternatives *would* be effective at electing a candidate of choice using the minimum minority percentage approved by the Department of Justice in 2001. The Commission decided to include both options in this report, recognizing that 12 majority-minority districts would be consistent with the legal requirements in place in 2001.

The 13 majority-minority district plan was the source of a substantive disagreement among the Commission members. A number of Commission members strongly believe that the creation of the 13th majority-minority district is consistent with the principle of enabling African-Americans to have a candidate of their choosing, that the proposed district is more compact than the ones in the map approved by the Assembly in 2001, and that the tradeoffs with other criteria such as compactness and keeping city and county lines intact is permissible. At the same time, a number of Commission members believe equally strongly that the impact of creating a 13th majority-minority district is not consistent with the outlook on compactness and keeping city and county lines intact that has guided the Commission's work. In addition, they believe that legal counsel's caution about the viability of a potential challenge to the creation of districts where race is utilized as the predominant factor without a compelling defense is relevant here.

Population Equality. The Commonwealth's population growth over the last decade has primarily been located in the exurban areas of Northern Virginia, particularly in Loudoun and Prince William counties. Districts must have equal population to

ensure equal representation for all Virginia residents across the state. As a consequence, district boundaries must follow this population growth.

Virginia did not gain or lose a Congressional seat to apportionment. Congressional district boundaries must thus shift northward to equalize district populations. The state legislature also continues to have the same number of districts, but because the 40 Senate and 100 House of Delegates districts are significantly smaller in size than the 11 Congressional districts, whole districts must be collapsed within the slower-growing areas found in the southeast and southwest corners of the Commonwealth and new districts – essentially one Senate and three House of Delegates districts – must be created in the Northern Virginia exurban areas.

Reducing the Number of Districts Where County and Independent City Boundaries Are Split. The Commission recognized in the course of its deliberations that there is a trade-off between balancing districts' populations and respecting county and independent city boundaries within the state legislative districts. At the Congressional level, there is no tradeoff between equal representation and maintaining municipal and county lines because Congressional lines must be drawn with absolute population equality, absent the practical impossibility of drawing equal districts with mathematical precision.

Little public attention has been paid to this possible tradeoff in previous redistricting processes in the Commonwealth, but it became apparent during the Public Forums held by the Commission and in the Commission's review of maps in the Virginia College and University Redistricting Competition, that the

choice of what population variation to permit is an important decision point.

The Commission is providing one set of maps for the House and Senate that essentially uses the plus or minus 2% population variance that was employed by the General Assembly during the 2001 redistricting process. At this level, the Commission maps are able to make considerable improvement on the existing district lines in terms of the number of county and independent city splits in both the House and the Senate. In the House, city and county splits are reduced from the existing number of 194 to 153. In the Senate, the number of splits is reduced from 110 to 72.

The Commission further explored a plan with a plus or minus 3% or greater variation for the Senate (including two districts more than 3% but less than 5%) that is able to reduce the number of city and county splits even more dramatically. The existing Senate map has 110 splits. The 2% map" in this report has 72 splits. The "3% map" in this report reduces the number of city and county splits to 40. In the House, such trade-offs are less severe, as the Commission identified only a single district that split a county boundary in order to stay within a 2% population variance.

In summary, it is certainly possible to make a substantial reduction in the number of city and county splits using the plus or minus 2% deviation criterion applied in 2001. This can be accomplished without any tradeoff with Voting Rights Act criteria. But it is likely that achieving even more dramatic reductions in the number of municipal and county lines that are crossed by districts would require movement toward a plus or minus 3% variation or more from the equal population standard, which deviation would be permissible.

Maps

After consideration, the Commission decided to propose a set of its own "model maps" that would represent its thinking about how the criteria under which it operated could be applied. The Commission members certainly do not believe that these are the only possible maps that could be drawn in a manner consistent with these criteria.

The Commission has recommended earlier in the report that the winning maps in the student competition that used the Governor's criteria be considered by the Governor and the General Assembly during the redistricting process. And we believe that others could certainly use the available software to produce different yet entirely credible ways of accomplishing the tasks with which the Commission was charged.

In addition, Commission members fully recognized that they serve in an advisory capacity during the 2011 redistricting process. Political considerations such as electoral competitiveness, and the promotion of partisan advantage were not part of the charge presented to the Commission. As the Governor noted in his remarks, these are matters that are the purview of the General Assembly during the 2011 process. The Commission recognizes that the Assembly would adjust any maps that it might examine to reflect these considerations in its obligation to protect the interests of Virginia in the redistricting process.

The Congress

The Commission grappled with the "stretching" of rural districts and other areas where population growth was either negative or not at the same level as in the fast-growing regions of the Commonwealth.

Ultimately, the Commission concluded that there is no "perfect choice" or sometimes even a "desirable choice," and that localities had to be grouped with others that were geographically quite separate and where many residents might not initially see a natural community of interest. In almost every imaginable configuration, a Commission member could point to an apparently incongruous matching. The Commission ultimately went with ideas that members felt made sense, such as creating an "extended valley district" and not linking Roanoke to the Far Southwest. However, the Commission recognizes that different choices could legitimately be made.

The Commission focused on drawing three Northern Virginia districts to reflect the increased growth in some sections there. A majority of the Commission felt that the best way to reflect communities of interest, county and city boundaries, and compactness was to draw these districts as concentric semi-circles moving away from Washington. DC, recognizing that communities closer to the capital have more in common with each other than with communities farther from it.

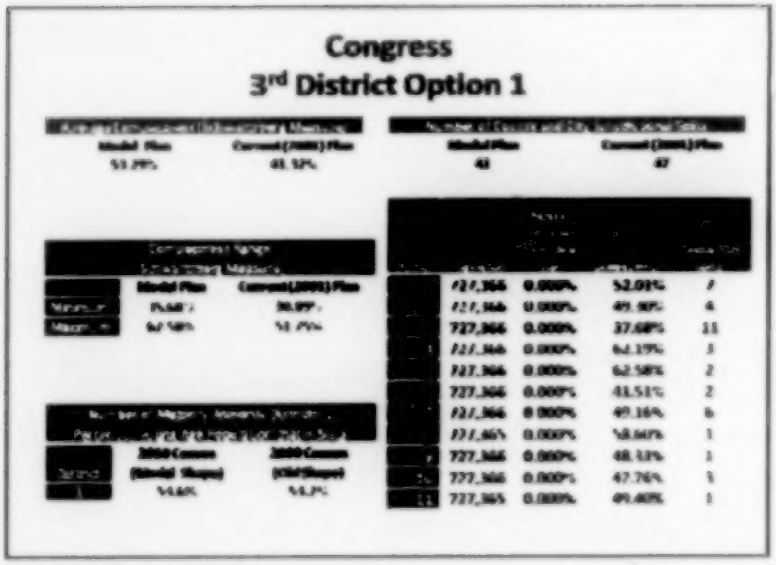
Finally, Commission members wrestled with the best means of drawing the Commonwealth's single majority-minority Congressional District. Under any circumstance, the existing district must be modified because its rate of population growth was lower than the Commonwealth's average over the previous decade.

The Commission explored a number of alternatives, from suggestions that came from the Commission staff and from maps submitted in the Virginia College and University Redistricting Competition. One proposed alternative involved a significant relocation of the

majority-minority Congressional District in Virginia in a manner that excluded most of the population areas around the city of Richmond, expanded the district's scope in Hampton Roads and extended its boundaries considerably farther south and west toward Brunswick and Dinwiddie counties.

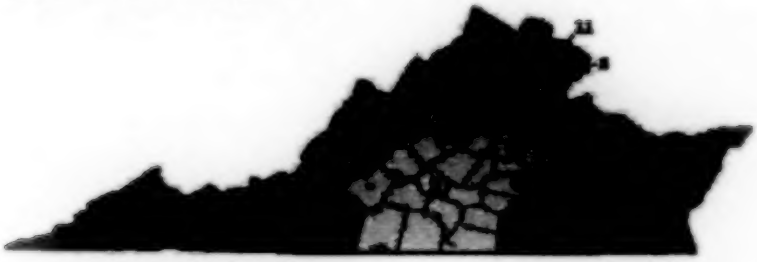
The Commission proposed three model Congressional maps, each focusing on aspects of the issues discussed above.

This map makes significant changes to the current districts. First, it respects Richmond and the surrounding counties as a community of interest by keeping them together in a single "Capital area" District. It also creates the "extended valley district" and the three Northern Virginia concentric semi-circle districts. Finally, and perhaps most uniquely, it moves the majority-minority district to the south. By doing this, it creates a more compact majority-minority district in which the population is closer in geography and the other interests that bind a community.

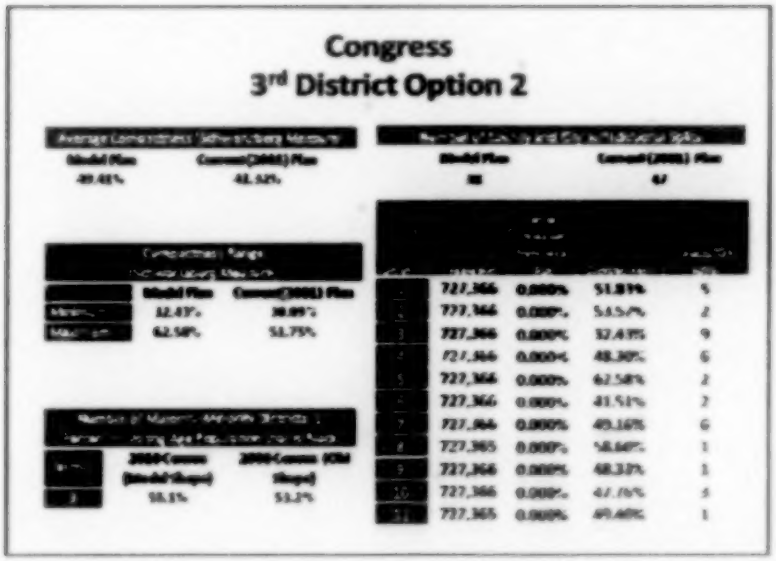


This map improves upon the current (2001) plan in several significant ways. First, this map increases compactness by 22.46% over the current plan (from 41.32% for the current plan to 53.29% for the model map). The least compact district is 35.68% while the most compact district is 62.58%. Second, this map retains the black voting-age population of the majority-minority district at 53.6% (from its current 53.2%). Third, this map reduces the number of split jurisdictions by almost 13%, reducing the number of split jurisdictions from 47 in the current plan to 41 in this model map.

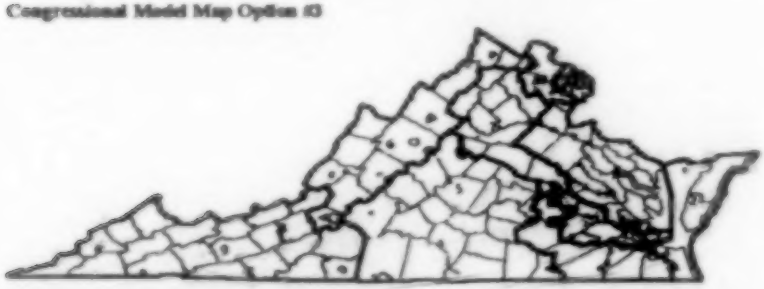
Congressional Model Map Option #2



This map makes many of the same changes as Option 1, creating an "extended valley district" and reorganizing the Northern Virginia districts into more compact geographical areas. On the other hand, it creates a majority-minority district similar to the one in the 2001 map. This design would allow most voters in the current majority-minority district to remain in such a district. This map also improves upon the current (2001) plan in several significant ways. First, this map increases compactness by 16.38% (from 41.32% for the current plan to 49.41% for the model map). The least compact district is 32.43% while the most compact district is 62.58%. Second, this map increases the black voting-age population of the majority-minority district from 53.2% to 55.1%. Third, this map reduces the number of split jurisdictions by 19%, from 47 in the current plan to 38 in this model map.



Congressional Model Map Option #3

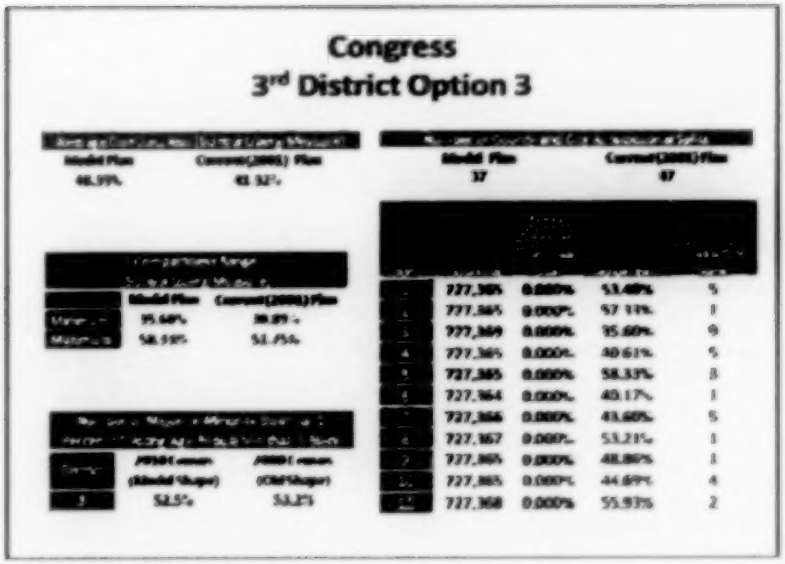


This map maintains the general shape of the two previous options but with an alternative shape for the 3rd District and an alternative reconfiguration of Northern Virginia. In this model, the 3rd District does not encompass parts of Norfolk but instead stretches from the eastern portion of Richmond through Petersburg and counties along the south side of the James River, crossing to include Newport News and Hampton. This alternative has a 52.5% African-American voting-age population percentage, which is less than the 53.2% met or exceeded in the other

models in this report. It has a 5-person deviation from the ideal Congressional district population. The tradeoff is that this map respects municipal boundaries by putting Portsmouth entirely within the 4th District and Norfolk entirely within the 2nd District. The reconfigured 4th District has a 30.5% African-American voting-age population percentage.

In Northern Virginia, the 8th District is completely enclosed, with the Interstate 495 beltway along much of its southern border and extending to the Loudoun County boundary to the west. The 11th District is contained within Fairfax County in its entirety and encompasses Fairfax City. District 10 contains most of Prince William and Loudoun counties, with additions in surrounding areas.

Compared with the current (2001) Congressional map, this model increases compactness by 17.01% (from 41.32% for the current plan to 48.35% for this model). The least compact district in this plan measures 35.60% and the most compact district measures 58.33%. Also, this map reduces the number of split jurisdictions by 21%, from 47 in the current plan to 37 in this model. Of the three model Congressional maps, this is the greatest reduction in split jurisdictions.



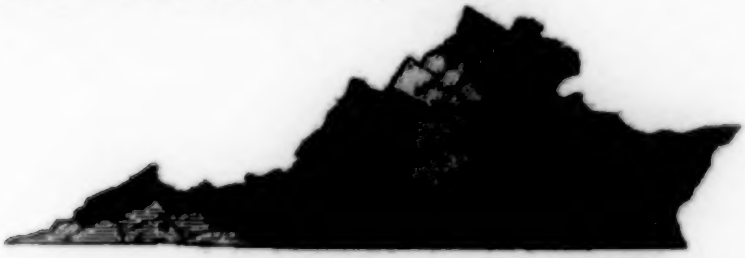
The Virginia Senate

The Commission recognized that drawing the Virginia Senate maps, like the Congressional maps, involved balancing predominant demographic trends with the requirements of the Voting Rights Act and the equal population standard. Unlike the Congressional maps, however, greater latitude in the percentage deviation in population for each district was allowed in order to better meet the Commission's other goals of compactness and reducing the number of split jurisdictions.

The Commission recognized that drawing 5 majority-minority districts to maintain the number of districts with a majority of African-Americans of voting-age population must be balanced against the other criteria. The shape and location of these majority-minority districts have distinct effects on the shape of the surrounding districts and the overall look of the entire Senate map.

The Commission presented two model maps, one with most districts under 2% population deviation and another with most districts under 3% population deviation, to illustrate the trade-offs between population equality and respecting county and independent city boundaries.

Virginia Senate Model Map Option #1: 2% Population Deviation



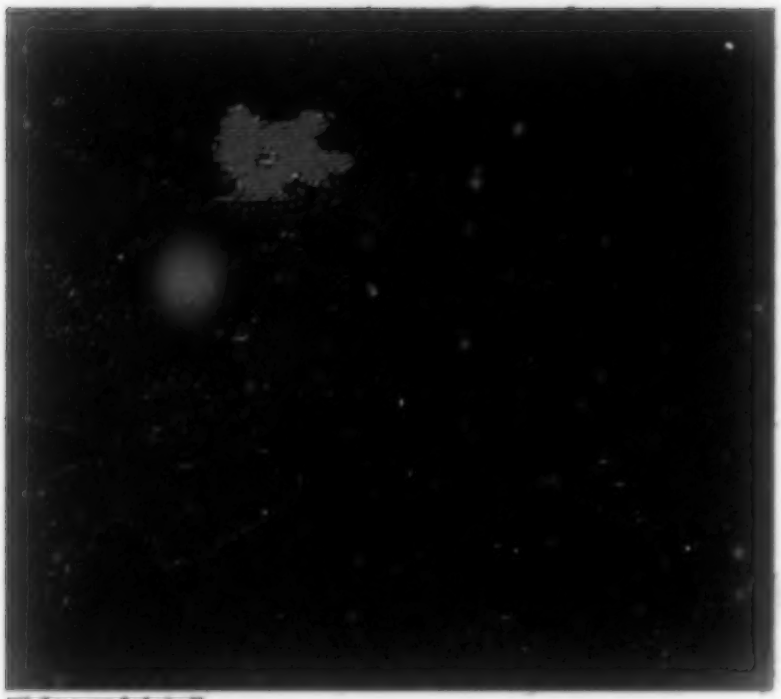
The plus or minus 2% alternative offered by the Commission presents 5 majority-minority districts that maintain majority African-American voting-age populations. Two of these districts are located around the Richmond metropolitan area with one, District 9, that stretches from the eastern part of the city to the boundaries of Charles City County, and another, District 16, that starts south of the James River in Richmond, encompasses the cities of Hopewell and Petersburg, and stretches to the southern border of Dinwiddie County. District 18, the third majority-minority district, is located along much of Virginia's southern border and extends northward around Nottoway County and eastward around a portion of the city of Portsmouth. The remaining two majority-minority districts, Districts 2 and 5, are located in the Hampton-Newport News and Norfolk areas. District 2 starts along the southern border of Newport News and Hampton and moves north along Interstate 64. District 5 encompasses many of the African-American

communities in the eastern portion of the city of Norfolk.

The 5 majority-minority districts are the least compact of the model Senate Districts in this plan and cut across the most jurisdictional boundaries due to the combined requirements of the equal population standard and the Voting Rights Act. Surrounding districts must accommodate the sometime awkward boundaries of these districts. Even so, the shapes of these model districts are often clear improvements upon their current shapes in terms of compactness and jurisdictional splits.

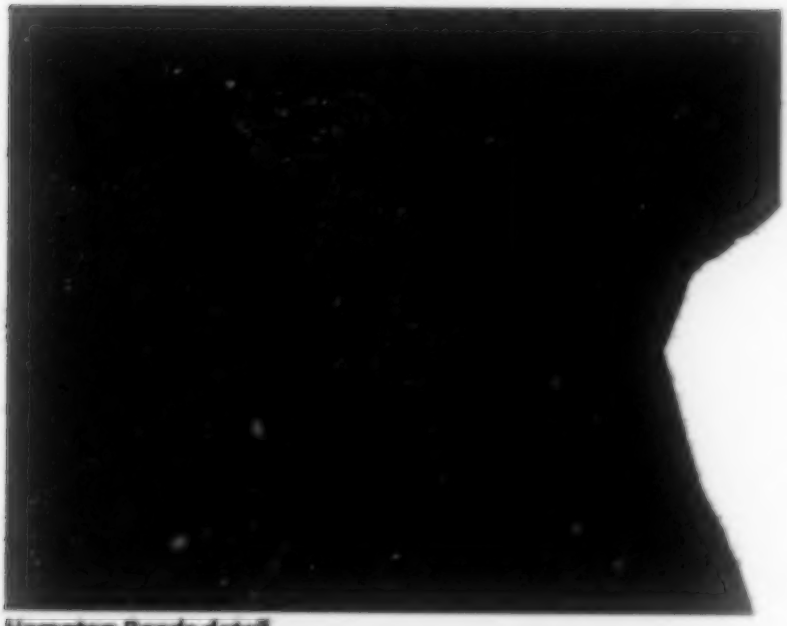
The rest of the map attempts to adhere to the criteria of achieving compactness and minimizing jurisdictional splits while also grouping communities of interest. The Southwest region of Virginia is almost entirely covered by two model Senate Districts, 40 and 38, which perfectly conform to county boundaries. Surrounding districts in Southside Virginia and the Valley are far more compact then their current shapes and attempt to conform to county and city boundaries as much as is feasible while still keeping within a 2% population deviation. For instance, the cities of Salem and Roanoke are grouped together in District 22, but must cut Roanoke County in order to maintain population equity.

Central Virginia is primarily covered by Senate Districts 25, 17, 26 and 27. Every attempt was made to reduce the number of county boundaries that are split for these districts. However, the 2% population deviation requirement for this map necessitated significant splits in Albemarle, Prince Edward and Warren Counties.



Richmond detail

Senate Model Map Option #1: 2% Population Deviation



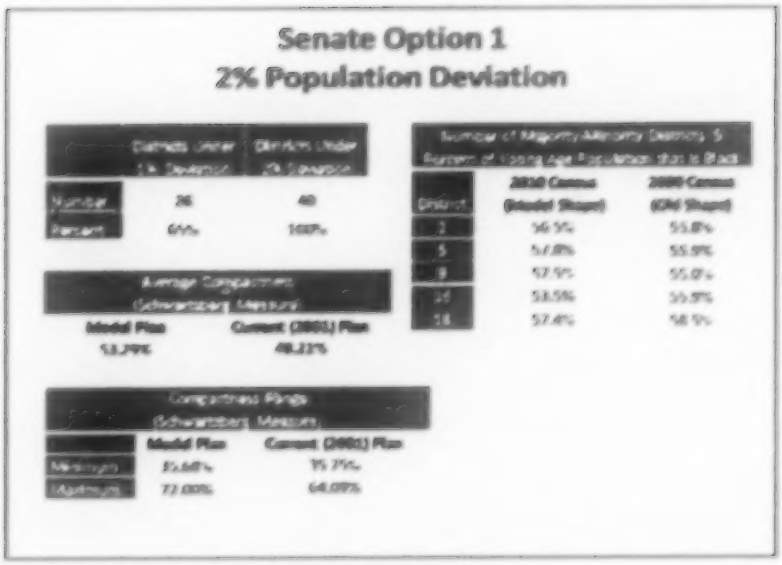
Hampton Roads detail
Senate Model Map Option #1: 2% Population Deviation

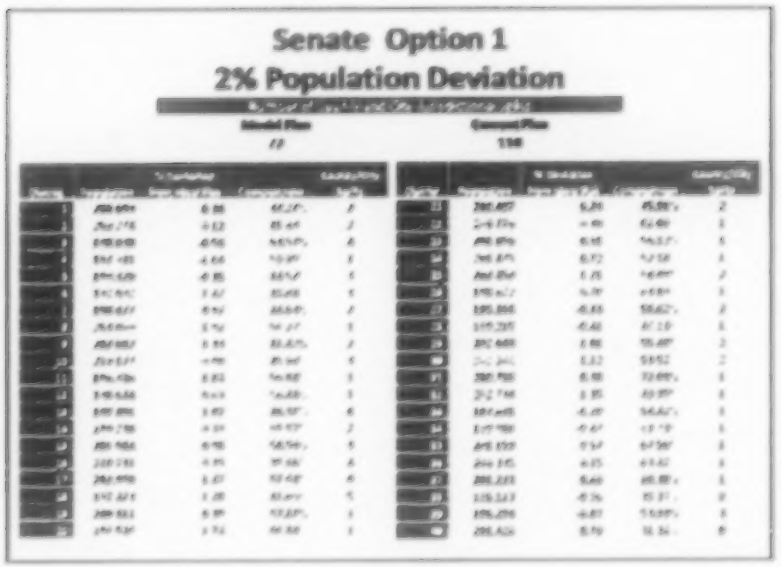
In the Northern Neck, Middle Peninsula and Eastern Shore, Districts 28, 4, and 8 were able to be drawn almost entirely along county boundaries, with splits necessary in Stafford, Gloucester, and Virginia Beach.

In Northern Virginia, the primary goal was to minimize districts that cut county and independent city boundaries. Arlington County must be split as is has too much population to fall within a 2% deviation. However, the cities of Falls Church, Alexandria, Fairfax, Manassas and Manassas Park are entirely contained within a single Senate District. The districts also attempt to group communities of interests that may exist along common highways or in towns or ethnic enclaves.

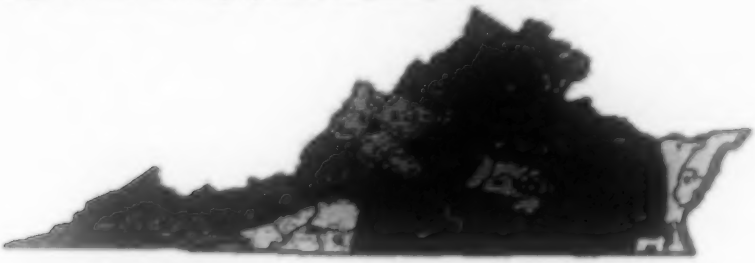
Northern Virginia detail
Senate Model Map Option #1: 2% Population Deviation

This map includes 26 districts under 1% deviation and 14 additional districts under 2% deviation. This deviation approach allows for an improvement in the compactness of districts by 9.53% (from 48.21% in the current plan to 53.29% in the proposed map). The least compact district in this map is 35.68% while the most compact district is 70.00%. This map includes 5 majority-minority districts ranging from 57.8% black voting-age population (District 5) to 53.5% black voting-age population (District 16). Finally, this map reduces the number of city and county splits by 34.53%, from 110 splits in the current plan to 72 splits in the model map.


Senate Option 1
2% Population Deviation
Districts Under 1% Deviation
Districts Under 2% Deviation
Number
26
40
Percent
65%
100%
Average Compactness (Schwartzberg Measure)
Model Plan
53.79%
Current (2001) Plan
48.23%
Compactness Range (Schwartzberg Measure)
Model Plan
Current (2001) Plan
Minimum
35.68%
35.25%
Maximum
72.03%
64.09%
Number of Majority African-American Districts & Percent of Voting Age Population that is Black
District
2010 Census (Model Plan)
2000 Census (Old Plan)
2
56.5%
55.8%
5
57.8%
55.9%
9
57.9%
55.0%
10
58.5%
55.9%
16
57.4%
58.5%

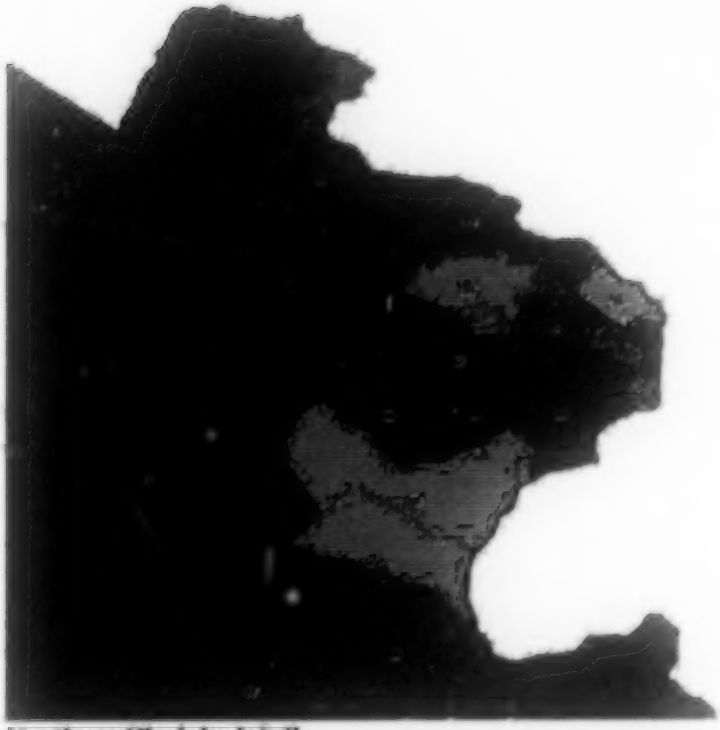

Senate Option 1
2% Population Deviation
Model Plan
19
Current Plan
198

Virginia Senate Model Map Option #2: 3% plus Population Deviation



The 3%-plus Senate alternative presents the same basic shape for all of the districts in the 2% alternative, but with fewer jurisdiction splits and more compact district boundaries. Most of the previous county splits in Southside and Southwest Virginia have been removed and the boundaries for District 22 were made to conform to the path of Interstate 81 around Salem and Roanoke cities.

District 31 around Arlington County was modified to fit entirely within the Arlington County boundaries and the surrounding districts were adjusted to accommodate this change.



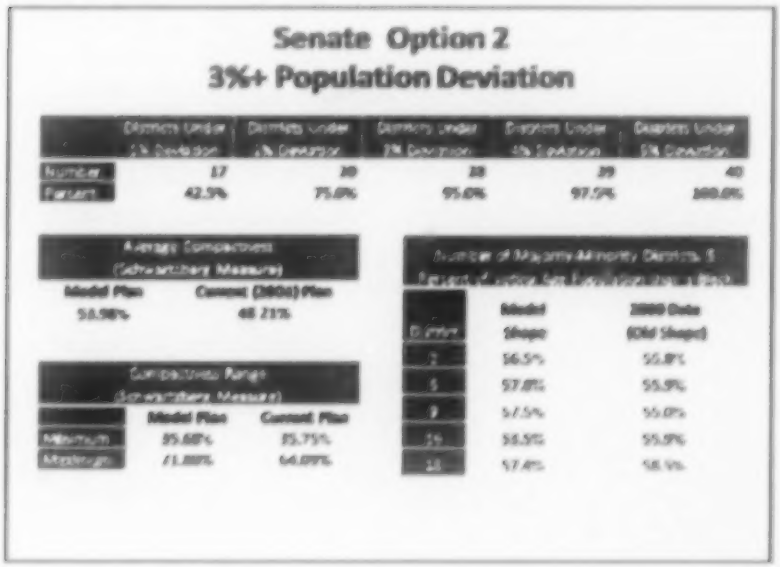
Northern Virginia detail

Senate Model Map Option #2: 3%-plus Population Deviation

Perhaps the most dramatic changes in the 3%-plus alternative are the new configurations of Districts 26 and 27, which are now entirely within county boundaries and more compact. Splits in Shenandoah, Warren and Prince William counties were removed.

This map includes 17 districts under 1% deviation, 13 additional districts under 2% deviation, 8 additional districts under 3% deviation, and 1 additional district each under 4% and 5% deviation. This deviation approach allows for an improvement in the compactness of districts by 10.69% (from 48.21% in the current plan to 53.98% in the model map). The

least compact district in this map is 35.68% while the most compact district is 71.80%. This map includes 5 majority-minority districts ranging from 57.8% black voting-age population (District 5) to 53.5% black voting-age population (District 16). Finally, this map reduces the number of city and county splits by 63.64%, from 110 splits in the current plan to 40 splits in the model map.



Senate Option 2

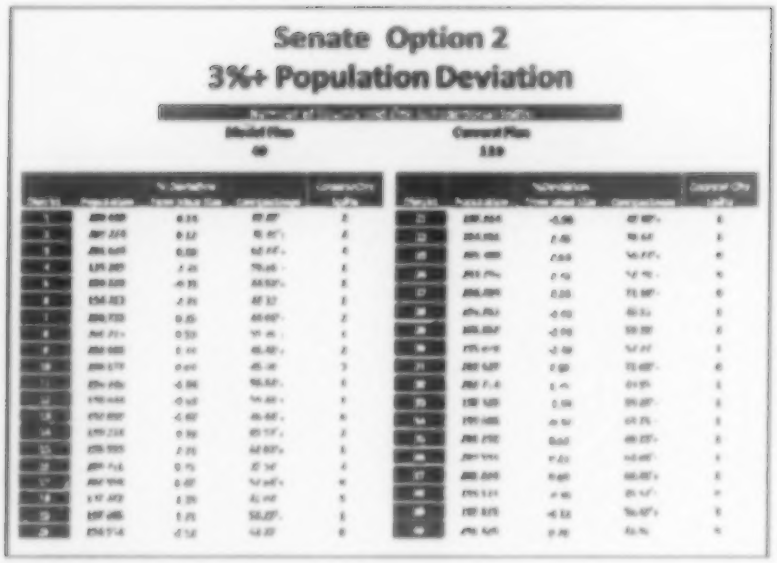
3%+ Population Deviation

	Districts Under 1% Deviation	Districts Under 2% Deviation	Districts Under 3% Deviation	Districts Under 4% Deviation	Districts Under 5% Deviation
Number	17	30	38	39	40
Percent	42.5%	75.0%	95.0%	97.5%	100.0%

Average Compactness (Schwartzberg Measure)	
Model Plan	Current (2001) Plan
50.58%	48.21%

Compactness Range (Schwartzberg Measure)		
	Model Plan	Current Plan
Minimum	35.68%	35.75%
Maximum	71.80%	64.09%

District	Model Shape	2000 Data (Old Shape)
7	56.5%	55.8%
5	57.8%	55.9%
9	57.5%	55.0%
16	56.5%	55.9%
18	57.4%	58.1%



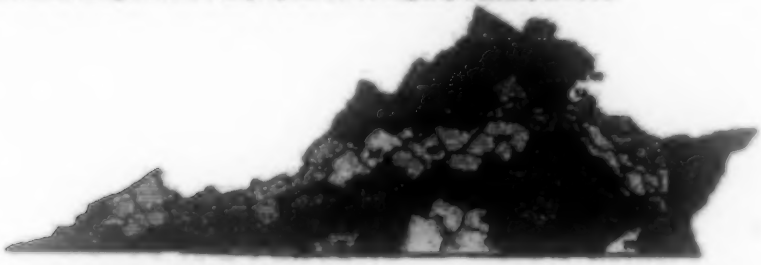
The House of Delegates

The Commission was confronted with similar trade-offs between the redistricting criteria in the House of Delegates, but discovered the population requirements are less in conflict with respecting county and independent city boundaries, perhaps because the districts are of a smaller – and fortuitous – size that facilitates respecting these boundaries. The Commission identified only one case, a district straddling Smyth and Grayson counties, where relaxing a 2% population deviation from the ideal of 80,010 would reduce the number of county splits.

The Commission proposed two model maps, one with 12 majority-minority districts and another with 13 majority-minority districts. These plans were exactly similar except for four districts that must be altered to create a 13th majority-minority district.

Additionally, the Commission unsuccessfully explored the possibility of drawing a Hispanic-majority district. The Commission decided to maintain the current 49th district – which was significantly under-populated with a population of 68,637 – in a configuration that limited a reduction of its Hispanic population from a current 35.1% to 34.9% while bringing its population into balance.

House of Delegates Model Map Option #1: 12 Majority-Minority Districts



The first consideration was to create majority-minority districts to be in compliance with the Voting Rights Act. In 2001, the Commonwealth created 12 House of Delegates districts where African-Americans constituted a majority of the 2000 census voting-age population. According to the 2010 census, one of these districts, District 71, had fallen below 50% to 47.0% African-American voting-age population. The Commission decided to boost the population of this district to create a 12 majority-minority district option (Districts 63, 69, 70, 71, 74, 75, 77, 80, 89, 90, 92, and 95). All 12 districts are drawn within a 2% population deviation. All are more compact than in their counterparts in the current map while crossing an aggregate fewer county and independent city lines.

Hampton Roads detail

House of Delegates Model Map Option #1: 12 Majority-Minority Districts

These districts have a profound effect on their neighbors. In the Norfolk area, the remaining districts generally revolve around the four majority-minority districts, following the shoreline,

while respecting existing county and independent city boundaries and maintaining a compact shape. It is impossible to draw an Eastern Shore district within the permitted population deviation, so a district must extend across the Chesapeake Bay Bridge.

Two majority-minority districts are located in Newport News and Hampton, and the adjacent districts follow the peninsula northward through Williamsburg and beyond. Two districts to the north also generally follow peninsulas.

Two majority-minority districts are located to the south of Richmond, encompassing African-American communities in Petersburg and Emporia, respectively.

These districts must cross county and independent city boundaries to maintain the African-American voting-age populations.

Four majority-minority districts are located in the Richmond area. Of particular note is District 74, which the Commission reconfigured to be more compact and located entirely within Henrico County, whereas the current district extends into Charles City County. Elsewhere in the region, districts generally respect county and independent city lines where possible in a compact manner. However, the presence of the majority-minority district requires some boundaries to be crossed.

Richmond detail

House of Delegates Model Map Option #1: 12 Majority-Minority Districts

The Commission's next step following the drawing of majority-minority districts and their neighbors was to draw the remainder of the Commonwealth. Generally, if a district within the 2% population deviation could be drawn to be composed of whole counties or independent cities, such a district was created. If a county had to be split in order to achieve the proper population deviation in a district, lines were drawn to minimize the splits among adjacent counties and independent cities and to keep districts as compact as possible. Where choices were available, districts were drawn to respect communities of interest, such as by following transportation corridors or other natural features such as water or mountains. None of the districts were drawn with the intent of crossing a body of water without a bridge.

It was not possible to balance all the competing goals in all circumstances. Some jurisdictions must be split. In Northern Virginia, Arlington County has too much population for two districts. The Commission decided to cross the Arlington County and Fairfax County lines where the current District 49 is located in order to tie together Hispanic communities in that area. To keep these communities together, another split with District 45 was formed in the southern tip of Arlington across to Alexandria. The two Arlington County districts evenly divide the county as best as possible.

Northern Virginia detail
House of Delegates Model Map Option #1: 12 Majority-Minority Districts

The Fairfax County line must be crossed because there is not the right amount of population from the county line to Washington, DC, to draw districts entirely contained within Fairfax County. Within the Fairfax County region, the independent cities of Fairfax City and Fall Church were kept together with their immediate environs. A second Alexandria split is required to achieve population balance, and was done with a district extending to the south of the city. Elsewhere, districts were drawn to respect communities of interest in Centreville, Clifton, Herndon, Vienna, Fair Lakes, Lorton and Springfield, among others.

In the exurbs, the Commission drew a Manassas/Manassas City district, districts extending along the Route 7 corridor to and beyond Leesburg, a

predominantly Woodbridge district, and districts generally following the Prince William Parkway.

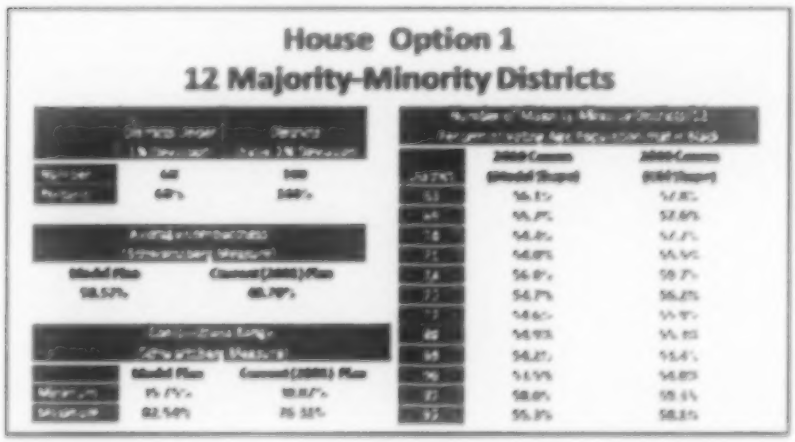
Districts in the western part of the state generally followed the natural valleys in a way that respects county and city boundaries in a compact manner. Some boundary splits must happen, such as in the areas of Harrisonburg, Roanoke and Winchester. The Roanoke area presented a puzzle in minimizing county and independent city splits that was best solved by combining Salem and Christiansburg in a single district extending along I-81. Another district combines Radford and Blacksburg. Roanoke itself has too much population, so it must be split once.

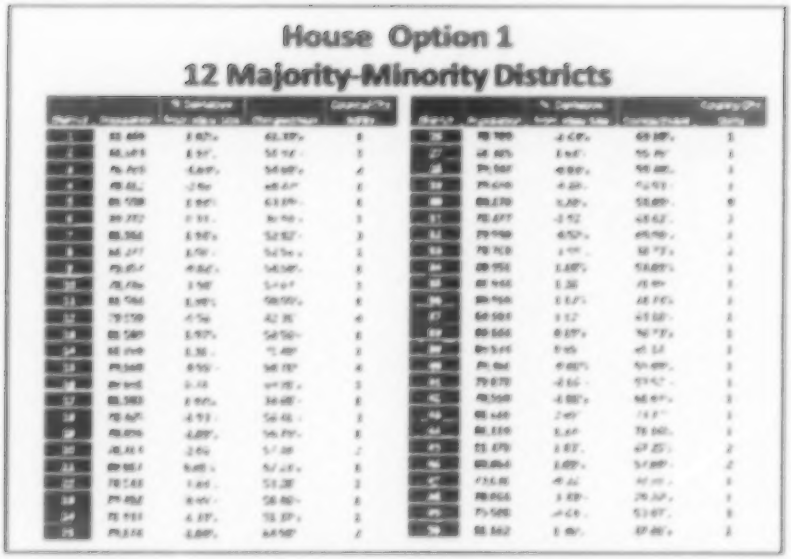
In the Piedmont region, Charlottesville has too little population for its own district, so it must extend into Albemarle County. Two other splits of Albemarle County are necessary to reduce splits in surrounding counties. The Commission drew one district consolidating the area to the south of Charlottesville and a second district extending to the west. Culpeper and Orange counties together form a district of the ideal population size, which the Commission decided to draw. However, this configuration then requires county splits in adjoining counties.

Further to the South, Lynchburg is too small for its own district, so the Commission decided to cross the Amherst County line to the north. Similarly, Danville must be fortified with population from Pittsylvania County. Here, the remainder of the county can be rounded with Campbell County without creating another county split, which is why the Lynchburg configuration is desirable. Elsewhere, counties and independent cities in the Southwest were generally respected because they are smaller in population size. However, some splits, such as those of Patrick and

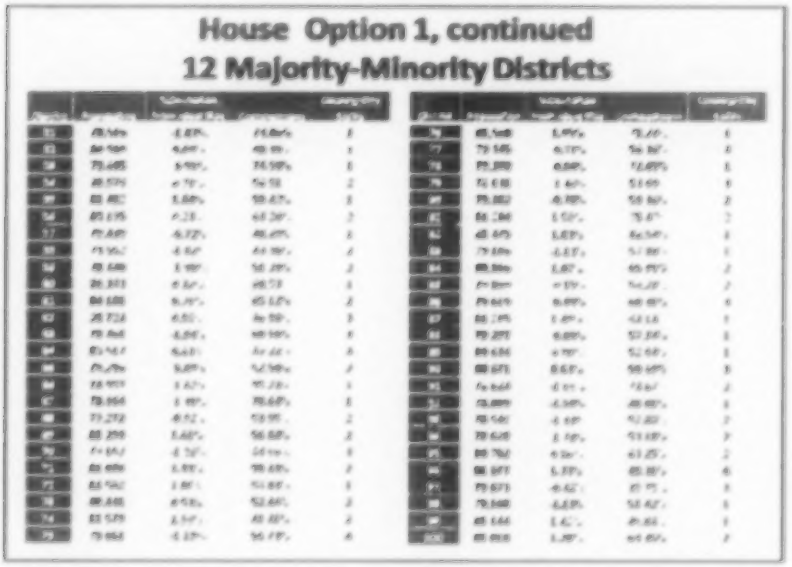
Wise counties were required to bring districts into population balance.

This map includes 68 districts under 1% deviation and 32 additional districts under 2% deviation. This deviation approach allows for an improvement in the compactness of districts by 15.08% (from 49.78% in the current plan to 58.57% in the model map). The least compact district in this map is 35.78% while the most compact district is 82.54%. This map includes 12 minority-majority districts ranging from 58.0% black voting-age population (District 92) to 53.5% black voting-age population (District 90). Finally, this map reduces the number of city and county splits by 21.13%, from 194 splits in the current plan to 153 splits in the model map.





House Option 1
12 Majority-Minority Districts

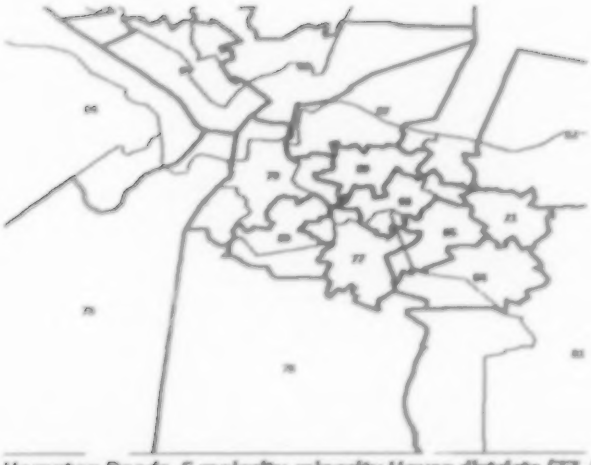


House Option 1, continued
12 Majority-Minority Districts

House of Delegates Model Map Option #2: 13 Majority-Minority Districts

In the course of devising a redistricting plan with 12 majority-minority districts, it became apparent that the current District 77, which joins minority communities in Chesapeake and Suffolk, could be reconfigured to create two districts that may provide African Americans an opportunity to elect candidates of their choice. As the comparison below shows, the only changes to the 12 majority-minority map are in Hampton Roads, where Districts 64, 76, 78 and 79 are reconfigured.

Hampton Roads, 7 majority-minority House districts (79, 77, 80, 89, 90, 92, 95)



Hampton Roads, 6 majority-minority House districts (77, 80, 89, 90, 92, 95)

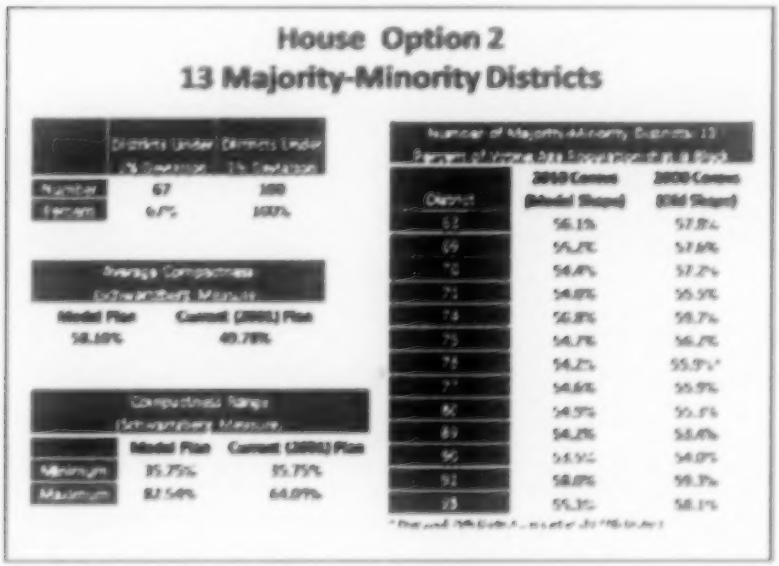
The reconfigured districts split fewer jurisdictional boundaries and are more compact than the current (2001) configuration; however, they are less compact and split more jurisdictional boundaries than the model plan for 12 majority-minority districts. Here is a comparison of House Option 1 with House Option 2:

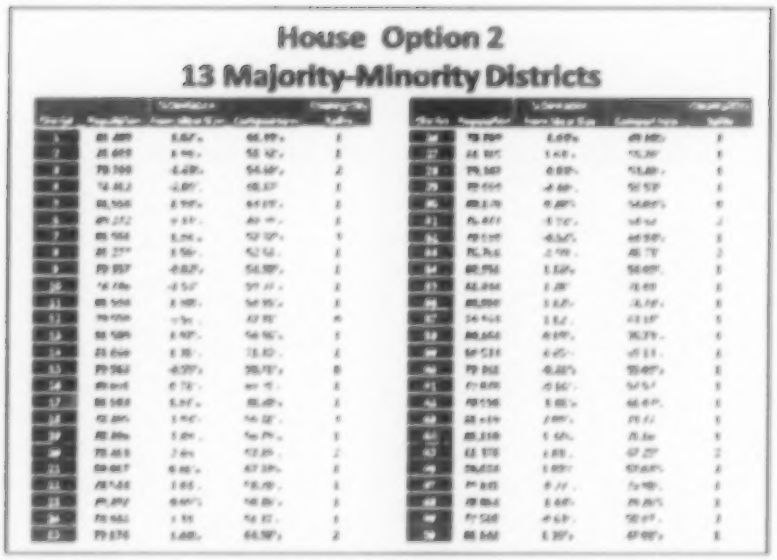
	12 districts	13 districts	12 districts	13 districts
64	49.22	48.41	4	4
76	71.27	52.11	1	3
78	72.85	50.32	1	2
79	54.68	49.73	3	3

Although the non-retrogression standard of Section 5 of the Voting Rights Act does not bind the Commonwealth to create a thirteenth African-American majority district, the Commission determined that it would be informative to demonstrate how to create such a district.

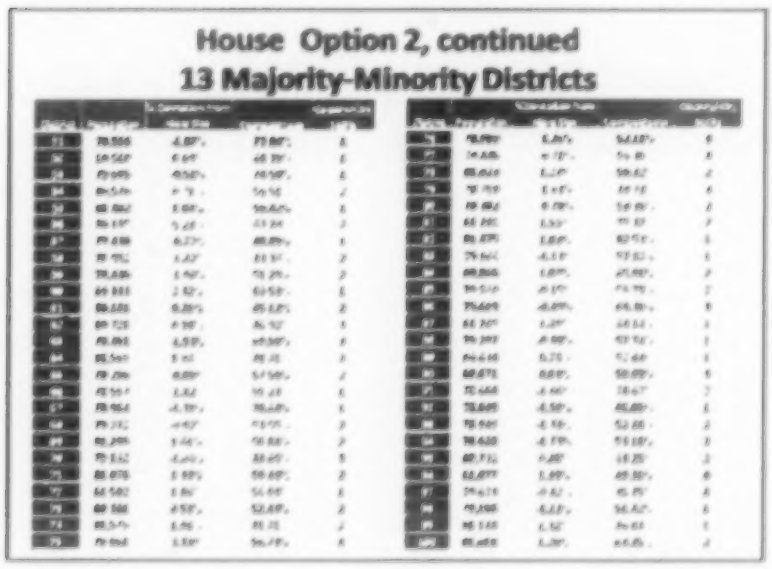
Statewide, the 13 majority-minority map includes 67 districts under 1% deviation and 33 additional districts under 2% deviation. This deviation approach

allows for an improvement in the compactness of districts by 14.32% (from 49.78% in the current plan to 58.10% in the model map). The least compact district in this map is 35.75% while the most compact district is 82.54%. This map includes 13 majority-minority districts, ranging from 58.0% black voting-age population (District 92) to 53.5% black voting-age population (District 90). Finally, this map reduces the number of city and county splits by 19.5%, from 194 splits in the current plan to 156 splits in the model map.





House Option 2
13 Majority-Minority Districts



House Option 2, continued
13 Majority-Minority Districts

Acknowledgments

The Commission wishes to acknowledge Governor Robert F. McDonnell for establishing the first Independent Bipartisan Advisory Commission on Redistricting in the history of the Commonwealth. Commission members were privileged to be chosen to participate in this landmark activity.

The Commission's work over the past two and a half months would have been impossible without the assistance and support of an extraordinary number of individuals, groups and firms from all corners of Virginia. We wish to express the depth of our gratitude to the many people and organizations who assisted, informed, and advised us.

- The 300 citizens of Virginia who came to the Commission's four public meetings and told us what they wanted to see in redistricting. Many of those people not only shared their personal stories and experiences but also demonstrated a deep concern for their communities and for the Commonwealth.
- The 18 professors from colleges and universities across Virginia, and their 150 students who participated in the Virginia College and University Redistricting Competition. They demonstrated the best in our higher education system; their talent, energy, and commitment makes us feel comforted in the next generation of leaders. We wish to particularly acknowledge the team from the William & Mary Law School, who stepped in to work with the Commission's map-drawing at the end of the competition. Brian Cannon, Nick Mueller, and Brian Rothenberg were extraordinarily helpful.

- The advisors to the Commission, including Dustin A. Cable, Charles W. Dunn, Ernest C. Gates, William H. Hurd, Quentin Kidd, Michael P. McDonald, Anthony T. Troy, and Judy Ford Wason. The Commission could not have begun to have completed its task without the countless hours these individuals dedicated to its work.
- The Wason Center for Public Policy at Christopher Newport University for providing administrative support to the Commission, including hosting the Commission's website.
- Regent University for enabling Professor Charles W. Dunn to be available to the Commission.
- The Weldon Cooper Center at the University of Virginia for providing demographic briefings to the Commission and loaning Dustin Cable to the Commission to help with map-drawing.
- CRT/tanaka and Brian Ellis, its executive vice president, for providing pro bono assistance in the charting and presentation of the Commission's work product in a remarkably timely manner.
- Troutman Sanders for providing the Commission with the stellar legal assistance of Bill Hurd and Tony Troy.
- Norfolk State University, Virginia Commonwealth University, George Mason University, Germanna Community College and Virginia Western Community College for making their facilities available to the Commission for its meetings and public forums.
- The League of Women Voters, the Richmond First Club and other members of the Virginia Redistricting Coalition for publicizing the Commission's meetings and forums.

- William A. Royall Jr. for his generous support of this privately funded initiative.

Finally, the Commission's work would not have been possible without the able, talented, and energetic assistance of the Commission's sole staff member, Steven Jones.

From: Chris Marston <chrismarston@gmail.com
To: Paul Haughton <phaughton@delphiccomm.com>
Subject: Re: FYI
Date: 4/2/2011 4:08:32 PM
Attachments:

Well, they're Republicans, so Jones won't help them. We only work hard to accomodate Democrats now. We just tell our guys to pound sand. After all, why give our guys good districts for the decade when we can spent our time making Democrats lives easier.

Chris did make some Carrico-requested changes on Friday.

On Sat, Apr 2, 2011 at 3:57 PM, Paul Haughton <phaughton@delphiccomm.com> wrote:

> Anne B and Bill Carrico had a meeting among themselves on Thursday about redistricting. It was after the APCO rate increase hearing and they invited Will to attend but Will didn't feel the need to. He didn't know what they discussed or the agenda but they told him they were upset and the three of them needed to band together if they were going to get it changed. Will is happy with his district so did not attend.

Regards,

Paul

C: 703-501-0768
Fax: 703-842-8731

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Attachment 15-Joint

VIRGINIA HOUSE OF DELEGATES
REDISTRICTING PUBLIC HEARING

APRIL 2, 2011
7:00 P.M. - 7:32 P.M.

CHAIRED BY: DELEGATE CHRIS JONES

Other Members in Attendance: ORIGINAL

Delegate John O'Bannon
Delegate Johnny Joannou
Delegate Rosalind Dance
Delegate. D.W. Marshall
Delegate Don Merricks
Senator Mary Margaret Whipple
Senator Harry Blevins Senator Roscoe Reynolds

CENTRAL VIRGINIA REPORTERS

P.O. BOX 12628

ROANOKE, VA 24027

(540) 38D-5017

[2] (700 p.m.)

PROCEEDINGS

DELEGATE JONES: I call the Joint Public Hearing to order.. My name is Chris Jones, and I represent the 76th District in Suffolk and Chesapeake.

Before I make my opening remarks, I have the Members of the General Assembly that traveled here by plane. This is our third public hearing today. We've been in Harrisonburg, Shenandoah, and then we went to Abingdon by way of Tennessee–we couldn't land in Virginia and we're finishing up here this evening in

Danville, and we thank you for coming out- Mr. Blevins?

SENATOR BLEVINS: I'm Harry Blevins. I represent the 14th Senate District. Can you hear me?

AUDIENCE: No. '

SENATOR BLEVINS: I'm Harry Blevins. I represent the 14th Senate District, which is primarily Chesapeake, with a small part of Virginia Beach.

DELEGATE JOANNOU: My name is Johnny Joannou.

[3] I represent the 79th District. It includes portions of the Cities of Norfolk, Chesapeake, Portsmouth, and Suffolk.

SENATOR WHIPPLE I'm Mary Margaret Whipple from Arlington. I'm in Senate District 31, which represents most of Arlington, the City of Falls Church, and the eastern part of Fairfax County.

DELEGATE DANCE: My name is Rosalind Dance. I serve in the 63rd House District, which encompasses the City of Petersburg, Dinwiddie County, and parts of Chesterfield, Ettrick and Matoaca.

DELEGATE O'HANNON: Good evening. Thank you all for coming out tonight. My name is John O'Bannon. I'm on the Privileges and Elections Committee. I represent Henrico County and two precincts in the City of Richmond, and about 50 years ago I was up the road at Hargrove Military Academy.

CHAIRMAN JONES: We also have in the audience D.W. Marshall and Don Merricks Thank you for being such great hosts to us this afternoon, and thank you for dinner as well.

Ladies and Gentlemen, Colleagues, and Engaged Citizens, good evening. It is my pleasure tonight [4] to welcome you to the seventh of our eight public hearings on redistricting plans and maps that have been introduced in the Virginia House of Delegates and the Senate of Virginia.

Tonight's public hearing is sponsored by the Privileges and Election Committee of the House and

Senate meeting jointly. It underscores our belief and our commitment in following an open and fair process.

Let me be absolutely clear about our primary purpose of these hearings We went to listen to what you have to say. We are here to listen to your feedback and reaction to the maps that have been posted on the website and the maps you have before you this evening.

We're here to seek input from local elected officials, from experts, from advocates and the people of Virginia about the new boundaries in the state legislative districts. We want to know what's important to you in redistricting.

The General Assembly and the Governor are the officials who submit to the voters at elections, and therefore are directly accountable to the public, and are responsible for drawing legislative [5] boundaries.

That mandate is clearly spelled out in the Virginia Constitution, which each of us takes an oath of office to uphold. It is one of the most important duties we have as elected government officials.

The time tested process of updating legislative boundaries every ten years ensures that every Virginian has a voice in redistricting Every Virginian

is represented in the General Assembly by a delegate and a senator.

Last fall the House and Senate P&E Committees proactively sought to foster greater citizen engagement and involvement through six public hearings across Virginia.

This unprecedented action then underscores our desire to encourage greater civic awareness and facilitate more active participation by the public in Virginia's 2011 redistricting process. That commitment continues this evening.

For more information about redistricting, you can go Co our website under the Division of Legislative Services and google that. In Virginia you'll have a web page, and on the left banner you [6] will see a link called Redistricting. You'll see the maps that have been proposed, and you can actually go to your area of the state and see exactly what's happening in your neighborhood.

The primary difference between last year's six public hearings and this year's eight is that now there are actually bills and maps before you.

There are three that have introduced so far; one by myself; House Bill 5001 and two others patroned in the Senate by Senator Janet Howell of Northern Virginia and John Watkins of Richmond. All were made available to the public on the General Assembly's website this past Tuesday.

Redistricting plans and maps are actually pieces of legislation- Like so many in the General Assembly– like so many the General Assembly considers year in and year out. That means amendments in committee

or on the floor are likely, as is normal in the give and take of the legislative process.

Both the House and the Senate introduced redistricting plans to draw districts of equal population as nearly as practicable, in accordance with the Constitution and the principle of one [7] person and one vote,

The House plan deviates from the ideal of district size of about 80,000, plus or minus I percent, The House–Senate plan deviates from its ideal district size of about 200,000, by only plus or minus 2 percent. The plan by Senator Watkins is plus/minus .5 percent.

Either of these House and Senate plans also maintain other traditional redistricting principles, such as compactness, contiguity, communities of interest, and political subdivision boundaries, in full compliance with the Voting Rights Act and all other applicable federal and state laws, as well as the court decisions applying them.

There are several logistical requests to ensure a smooth and as efficient process as may be possible. In order to respect the time of everyone who is here tonight to provide input, I'd ask each of you who speak to keep your comments to four, five minutes tops, as a courtesy to others.

Also, please do not–try not to repeat what others have already said, so we may accommodate as many speakers as possible. I've asked staff to [8] keep a timer, which I don't think we'll need, previously have not been keeping it.

Also because we want to maximize participation by the citizens who are here, we're here to listen to you and to not answer your questions directly. Again, this

will be a process and you stand where you are If you would like, you might want to talk louder. Some of us who don't hear quite as well as we used to, me included, that would be very helpful.

I have a signup sheet. And Senator Reynolds, I believe–Well, he's trying to hide. He's sitting kind of low there in the back. (Laughter) Thanks for joining us. Was it the traffic that got you?

SENATOR REYNOLDS I went to Bill's place. CHAIRMAN JONES: We did too. (Laughter) Our first speaker this evening is Mr. James Snead. Mr. Snead?

MR. SNEAD: Yeah. I represent the Pittsylvania County Board of Supervisors. I represent the Dan River District. If you just leave here and go 15 east, you'll be in my district in just a few minutes.

[9] I've been looking at this for a number of week8 on the log, and I have nothing against Senator Roscoe Reynolds, first of all; but the fact is this redistricting we're doing is splitting my district that I represent. I have one polling place in another district and two polling places in another district.

A little bit of confusion. People in my district have been contacting me quite a bit about how are we going to go about voting for this? Eveh though We'll still, according to the bill here, we'll still be voting on the 14th and the 16th, which is Mr. Merricks and which we are very familiar about and want to keep our delegates in Pittsylvania County as much as possible.

The Senate bill, it's very confusing. It splits the City of Danville, which in turn splits my district. That's the one that's confusing to my constituents in my district on the voting.

Like I said, it's very confusing for them. They don't know or 144derstand. Roscoe Reynolds will be in the 20th, from what I understand, and Senator Ruff is the other part, which I would live in Senator Ruff's district, but my two precincts, [10] voting precincts would be in another. Do you see what I'm saying?

So it's a little bit confusing. I don't know who's drawn the lines, but I know you're trying to work it out as best you possibly can, but it's drawn a lot of confusion by not having Pittsylvania County wholly in one particular Senate race, the whole county. It would help, I think, the whole county.

I think we have another one here from the Pittsylvania County Board of Supervisors, and he may elaborate on that also but it will be a little less confusing.

That's the only draw back that I see that I've been looking at, is particularly for my district. Thank you.

CHAIRMAN JONES: Next we have Kurt Feiyel? I apologize.

MR. FEIGEL: Did you say Feigel?

CHAIRMAN JONES: Is that a G or a Y?

MR. FEIGEL: Sorry. I went to public school. (Laughter)

CHAIRMAN JONES: My writing is terrible. I thought it was a Y too.

[11] MR. FEIGEL: 24502, is that the area?

CHAIRMAN JONES That's what I have. Do you want to see?

MR. FEIGEL: Thank you. My name is Kurt Feigel. I'm a member of the Tea Party, and I came down here

with one of our other Members. Just wanted to see kind of an example of what was going on.

I looked over it a little bit. The concerns I have when I looked at it from a split of, split precincts is really the big one that I see. You know, you look at some of these other things, they're shifted around.

Well, the 19th Senate District is pretty much, I think the numbers are 67 percent Republican. And so it's really shifted the balance of power towards, towards conservatives in that area. Hey, I'm a conservative, that-is great; but what about the other people who basically have no representation in their eyes now?

There's a huge chunk of people there, some 3-0-some percent that are not going to have the representation I think that they really feel they would deserve.

[12] And some of the other areas I've heard complaints on from people I know within the Tea Party are the Virginia Beach area where the senators, I know in my case I'm actually going to lose a senator. And I mean I currently have Steve Newman. I understand that's going to change.

And so I just think that when we look at this and look at the idea of gerrymandering, I see, I see a lot of interesting direction here.

We've got tiny little slivers that go so that we can then reach up into other areas, and that's not something I think that is when We talk about common interest, I don't think so0e of these areas really 'have common interests. They don't. Some of them are rural and farming, and then you've got huge chunks of city next to them.

So that was, that's all I have to say. CHAIRMAN JONES: Next we have Charlie Ferguson,

MR. FERGUSON: No, I'm passing.

CHAIRMAN JONES: You'll pass, okay. We have Fred Shanks. Good evening.

MR. SHANKS: Good evening. Thank you all for coming to Danville. Welcome to Danville. I'm a [13] member of the Danville City Council. I'm a member Of the Danville Pittsylvania County Regional Industrial Facilities Authority, the Danville Pittsylvania County Metropolitan Planning Organization, and the Danville Utilities Commission, which serves a large portion of Pittsylvania County.

I'm here because 1 have concerns about the Senate map as it's drawn, in particular the 19th District, which is the district we are currently in. And we're concerned or I'm concerned about the lines that have been created to create the 2-0th and the 15th districts.

The lines, the purpose of the lines as they're created are obvious and their intent is obvious, and that is not in the best interest of communities of interest and compactness.

I don't see how anyone can look at that map as it's drawn–and I'm not referring to the Watkins map–the map as it's drawn and see anything but lines drawn to pick up different areas for a particular reason, with not the interest of the community in mind.

My only comments after that are that it is [14] important to us in Southside Virginia and this district that Danville remain whole and that Pittsylvania County remain whole.

In my opinion, they both should remain together, because we are an example of "low communities work

together to develop a plan for the region. And to split this region would be, would be a terrible thing to do.

So I ask you to look at our Pittsylvania County and Danville Regional cooperation, not try to split that up. Look at the lines, make sure they make sense, and they don't have the political purpose that's obvious right now. Thank you. CHAIRMAN JONES: Thank you. Mr. Darriel Burkett?

MR. BURNETT: Burnett, I'm Darryl Burnett. I went to public schools, and I can't read the pharmacist's writing. (Laughter)

First, I'm with the Danville Tea Party. Take the banner away, we're a bunch of conservative people; but let me state this: I am apparently amazed at the amount of work involved to produce this plan, we'll call it.

I commend the effort of those that worked on [15] it. It's apparently indefeasible–indefeatable (sic) work ethic. However, it's unfortunate; it strikes me as being self serving.

I am amazed also that this was published as a viable answer for redistricting, when the real reason is *so* blatantly obvious-, right down to the finite cutting of precincts, 12 right here in Pittsylvania County. That still leaves the State of Virginia.

It strikes me as an effort of intent for 22 Virginia senators to control the destiny of nearly eight million Virginia citizens. The elected officials have been put on notice for some time now, and the electorate is not as dumb as John Curry thinks.

Whether they're in Danville, Pittsylvania County, Richmond, Washington, DC, this product is exemplary of the driving force behind people, their involvement

to get involved, the desire to be educated–and the people are. They're getting educated.

This endeavor, you stretch the limits of contiguous. By definition you're there. As for logic, common sense, any thought of cost [16] consciousness; there's a complete void, this is an expensive proposal.

This is .a tool the people in the Commonwealth of Virginia established so as to get fair and equitable representation throughout this region. It is not to be a shackle for the Virginia Senate at the cost and the behest of those in the northern part of the state.

If this is, and I think it is, a power play, I urge you to go back to Richmond. You can redeem yourself. You can go back to Richmond, go back to Work, get it fair, get it equitable; present it to the people when it's right. Thank you.

CHAIRMAN JONES: Thank you. All right, did anyone else? I believe, Mr. Lancet, you have time to speak. I do have a George Stanhope. Yes, sir? Good evening.

MR. STANHOPE: Yes. I just wanted to reiterate some of what all of these other people have said, and that is I think this is an abomination.

There is no reason why Pittsylvania County and Danville aren't large enough, with maybe a little addition, if necessary. And these lines look [17] almost like somebody took and tried to adjust or gerrymander things to come up to exactly what they were looking for.

I spent some time in Massachusetts, where the Word "gerrymander" came up from, and this looks a lot like what they did up there with Cohasset and

areas like that to make a particular voting district. Thank you.

CHAIRMAN JONES: Thank you. Anyone else, wishing to speak in the audience? Yes, sir, please.

MR. FRANKEN All right. My name is Fred. Franken. Can you hear me?

CHAIRMAN JONES: Yes, sir, I can.

MR, FRANKEN: I'm incensed with the work out of Richmond, purely incensed. Anyone can look at lines and with the numbers you're working with Shift them out or in, or a. little bit over and back; but when you start cutting communities, it just doesn't make sense. It makes for Stupidity.

You're cutting Danville. You're cutting the little community of Ringgold. You're cutting the little community of Kentuck. They're nice communities out there, and you've squiggled the [18] lines to cut those little communities. I don't think the state guide says to do that.

So remove stupidity from the operation. Remove criminal politics from the operation and get on with the work of the people, for pity's sakes. That's the reason we're' out there on the battle field, so you folks can play around with crap like that. Get it right, or we'll sue and litigate and get some folks to do some technical study to balance the lines.

I agree directly with the sentiment we've heard from some of the gentlemen here, and I'm very upset with that Very upset. It is giving me anger to get on the street and do a hell of a lot of volunteering, I'll tell you that,

And I appreciate you taking My comment's.

CHAIRMAN JONES: Yes, sir, thank you very much for coming out. Anyone else wishing to speak?

MR. BELLINGER: Yes, sir, please. My name's Nate Bellinger. I'm with the local chapter of Virginia Organizing. I just wanted to voice my support for the Bipartisan Advisory. Commission findings. There are other options out there.

MR. FRANKEN: He's an ACORN worker,

[19] MR. BELLINGER: No that is absolutely not true.

CHAIRMAN JONES: There's no debate.

MR. BELLINGER: But there is a Bipartisan Advisory Commission appointed by the Governor that has studied this subject without gerrymandering. It's appointed by the Republican governor. It doesn't take into account the Republican/Democrat' gain, but instead they're actually looking at ways that we can keep communities together and find a way that isn't as politicized.

So I'd just like to say that I wish the commission had some teeth to it. Instead of just advising, I wish they could actually have some, have a little bit of a mandate behind it, instead of going through the legislative process and being tilted around like that. Thank you.

CHAIRMAN JONES: Anyone else wishing to speak? Yes, sir, please.

MR. DANIEL: Good evening-. My name is Chris Daniel. I'm a citizen of the City of Danville.

I'm personally very pleased at the prospect of being represented in the state senate by Senator Roscoe Reynolds. I personally would be very [20] pleased to

have state Senator Roscoe Reynolds as m3 member of the state senate.

It's interesting that there's only one plan offered from the House of Delegates, and all the charges about gerrymandering, which may or may not be true, of the two competing Senate plans, one perhaps more so than the other one, but the same can certainly be said, and I apologize, but believe it's your plan, Delegate Jones.

It's harder to see the gerrymandering, when you're looking at a hundred sets of lines on a map of the Commonwealth of Virginia on an 8 1/2 x 11 sheet of paper, but I know from previous experience ten years ago and again in 2011 that the gerrymandering occurs.

In 2001, the gerrymandering enabled the House of Delegates, the Republican Party membership in the House of Delegates to place three outstanding members of the Democratic Party in the 10th Rouse District together. This time the same folks in charge have managed to place that esteemed member of the House of Delegates in with one of his Republican colleagues.

So while we're looking at gerrymandering, if [21] it's true in the Senate plan, it's also true of the House plan as well. I would champion, maybe a day late and a dollar short, but I will join Mr. Bellinger and suggest that perhaps moving in the direction of looking at some sort of mandated bipartisan effort would certainly avoid the splitting of communities of interest. It would certainly avoid many of the problems we pee.

I was reminded recently that in 1981 we were unable to reach a redistricting plan quickly enough. I don't remember all the details, but apparently there were state, Senate and House of Delegate elections in 1981 and again in 1982. Oh my gosh; there would be

two sets of election t in two years; but if we drew fair lines that were equitable and represented all of the citizens, that would be a worthwhile game. Thank you.

CHATRMAN JONES: Thank you. Anyone else wishing to speak? Yes, sir, please.

MR. WARREN: I don't even know Senator Reynolds –

CHAIRMAN JONES.: Your name, please?

MR. WARREN: Tom Warren,

CHAIRMAN JONES: Thank you.

[22] MR. WARREN: I find that I can't even conceive how you would split up a city of 43,000, I can understand you people in Northern Virginia, where you have such a population that you have to do it; but not in Danville and Pittsylvania County,

The 19th District, senatorial district is not even anywhere close by, as I read this map. That does not make a great deal of sense to me,

You know; if, if this gentleman back here is, is willing to have Roscoe Reynolds represent him in Danville, he needs to figure out a lot of things.

We've got 17 polling districts in Danville. How do you split that up? I can't believe that our registrar is not here like screaming. You know, how do you do that? That means in any given year we're going to have two senate races, a delegate race, and then the federal years God only knows what we're going to wind up with, as far As representation is concerned.

This does not in my opinion make any sense at all. It has got to be done better.

CHAIRMAN JONES: Thank you. Yes, sir?

MR. TUCKER: My name is Bobby Tucker. And forgive me; I'm kind of new at this, learning [23] process.

CHAIRMAN JONES: Okay.

MR. TUCKER: Although I do commend you for your work, because from the way I see it you almost in a no win situation. So thank you for listening first.

I do want to say being in a part of Pittsylvania County that in the House of Delegates being represented by the Honorable Charles Poindexter, I would like to say with Pittsylvania County being square miles probably the largest, one of the largest counties in the state, we have multiple districts no matter which plan comes up, it seems.

While I do like the, the Watkins plan in the Senate there, with our Board of Supervisors, House of Delegates and Senate, we have an older population, which I'm now moving into. It is very confusing to some of the older people to get out and vote, when they don't know really what district they in, who they're voting for, until they get tc the polling places, quite honestly. I've heard those comments.

I would ask that you do take into [24] consideration of trying to keep the counties and districts, as best you can even in the Senate districts and the House districts, any way we can keep those lines as close as we can to each other to, to help alleviate some of this confusion with people voting, and hopefully that would create voter turnout. And that's what we really want. We want everybody to have a voice. Thank you

CHAIRMANJONES: Thank you. Anyone else wishing to speak?

MR. HEDRICK: I want to speak, but not as a member of the media speak as a citizen.

My name is Bruce Hedrick. I represent WMDV-TV in Danville, and I'm speaking as a private citizen on this.

If 1990 was bad and 2000 was an anomaly, I hope that this understands that the Legislature and the citizens realize this redistricting needs to done by a bipartisan process. The victor goes the spoils is good when your party's in power, and I hope that everybody knows Governor McDonnell set a bipartisan redistricting. I think it's time for that

Now also I also have dismay that tonight [25] while you're doing a great job, and I understand you have to schedule as many meetings as possible in all the different places; tonight's a Saturday night at 7 p.m. in this area which has got so many other activities going on, not to mention Martinsville race weekend. We've got a lot of people that would love to be here and tell you what's going on, but unfortunately due to the scheduling, this is the crowd that you get.

The Southside cannot be ignored. The Southside cannot be ignored from Richmond, not from Northern Virginia. We are here, we vote. We want to hear from you. (Applause)

CHAIRMAN JONES: Anyone else wishing to speak?

Okay.

DELEGATE DANCE: Mr. Chairman, even though I am a member of the Redistricting Committee, this is the third public hearing we've had today; and I feel compelled to speak as an African American, because I represent quite a few.

In your opening statement, you mentioned the fact that Virginia is under the Voting Rights Act that went into place in 1965, which says minorities must have an opportunity to select who they would [26] like to serve.

There are 12 current minority districts, and what has happened in the last 10 years is that there has been a major shift. Trending, we can't tell people where they want to live. They move according to their life-style, economics, or whatever.

But tight now we're required to have 12 minority districts, and our districts have switched. They changed from like seven to more than 12,000 people that have moved.

And so in order for this, whatever redistricting plan we have to meet the test must be reviewed by the Department of justice, and therefore there should show that we as minorities have an opportunity to compete.

In the last month I've spent time with my colleagues, and we've looked at the lines and we've drafted a fair and equitable is what we're looking at, and looking at how our areas have trended.

I can tell you that if we don't–whatever redistricting plan comes nut, if we don't have at least a 55 percent variance as far as minorities, then we don't really stand much of a chance to be [27] able to live up to what the Department of Justice says we have a right to have. And that also impacts the whole State of Virginia, as far as how things have to be shifted.

The numbers grew in Northern Virginia. So on the borders facing North Carolina, you felt that in the Southwest. We felt it in the Tidewater area. Minorities

had to move forward, and we're all moving towards the North, okay, because that's where the numbers are.

So in order to make this happen, it requires some shifting, if you will. It's not a perfect thing, but there is a mandate that those 12 minorities from the Senate and–it's five minority positions that have to be here.

So all that is in the mix, when we're trying to develop the right fit for us. I respect the bipartisan committee, and I'm also concerned about, though, the community of interest, and the community of interest says that we are African Americans.

There is a population of hispanics that have come. In 1965, it was African Americans they're referring to. I am an African American, and I [28] represent quite a few African Americans, and we are expected to be able to obtain this.

So we're listening to all you say, and I tell you, everything you say is important, and there will be some amendments made as a result of what you said today. I assure that's going to happen. Don't have to beat us up; but it's important that you understand and review it, if you need to, the Voting Rights Act of 1965 and what it requires Virginia to do.

UNIDENTIFIED SPEAKER: I've got a question. Do these three plans that are being offered, do they all meet that guideline? So they all do meet that guideline. Thank you.

CHAIRMAN JONES: And you were speaking about 5.5 percent voting population?

DELEGATE DANCE: Yes, voting age, because you know you can have a minority, but they can't vote. That doesn't help you much, as far as being

competitive and being able to ensure that you're representing. Good point, I appreciate it.

CHAIRMAN JONES: Another comment?

MR. FEIGEL: I have a question. What is the, how does the equation work for–I don't know; [29] providing equitable voting, or whatever you just said? You have to have so many black people, hispanics, Whites?

DELEGATE DANCE: If you had enough–If you had an opportunity to go to the General Assembly's website and look at legislative link, you can actually look at the demographics and you can break it down by each precinct, each block. It will tell you how many African Americans live there, how many new Americans, asians, hispanics, and the whole population from that area.

So as you cobble together to make sure that there are 12 minority House districts and five minority Senate districts, that's got to be in the mix, and that has to impact what they have to do to make sure everybody is called to be as responsible as possible but still address that mandate. Any plan that we have must go to the Department of Justice first.

UNIDENTIFIED SPEAKER: This block, is this like a majority/minority–

CHAIRMAN JONES: We're not going to, we're not going to do question and answer. She was making a statement, so if you'd like to make a statement,

* * * *

[31] CERTIFICATE

COMMONWEALTH OF VIRGINIA

COUNTY OF FRANKLIN

I, Cynthia N. Stiles, Notary Public in and for the Commonwealth of Virginia, at Large, do hereby certify that the foregoing proceedings were by me reduced to machine shorthand in the presence of the named participants, afterwards transcribed by me by means of computer, and that to the best of my ability the foregoing is a true and correct transcript of the proceedings as aforesaid.

I further certify that these proceedings was taken at the time and place specified in the foregoing caption.

I further certify that I am not a relative, counsel or attorney for either party, or otherwise interested in the outcome of this action.

IN WITNESS WHEREOF, I have hereunto set my hand at Rocky Mount, Virginia on the 15th day of April, 2011.

/s/ Cynthia N. Stiles
CYNTHIA N. STILES
NOTARY PUBLIC

My Commission expires December 31, 2014

Notary Registration Number: 266666

From: Haake, Lawrence <HaakeL@chesterfield.gov>

Sent: Friday, April 8, 2011 4:30 PM

To: Showalter, Kirk - Voter Reg <Kirk.Showalter@Richmondgov.com>; Jennifer L McClellan <DelJMcClellan@house.virginia. gov>

Cc: Kent Stigall <KStigall@house.virginia.gov>

Subject: RE: HB5001 as passed Senate

There are only 363 voters in the 70th part in Pct 515, too few legally to open a precinct, so I'm going to try to move it into another magisterial district and merge with another 70th House precinct. If so, then my side is clear.

Thanks for the effort.

Larry Haake
GR Chesterfield

From: Showalter, Kirk - Voter Reg [mailto: Kirk. Showalter©Richmondgov.com]

Sent: Friday, April 08, 2011 16:10

To: Jennifer L McClellan

Cc: Haake, Lawrence; Kent Stigall

Subject: RE: HB5001 as passed Senate

Darned.....so close and yet so far away! A measly 0.2%! Well, at least we gave it a good try and for that I must thank you! I have some additional ideas how we might fix that and will work with you, Betsy, Delores and Larry over the coming months to see if we can address it next January.

J. Kirk Showalter
General Registrar

City of Richmond
(804) 646-5950

From: Jennifer L McClellan [mailto: DelJMcClellan@house.virginia.gov]

Sent: Friday, April 08, 2011 2:14 PM

To: Showalter, Kirk - Voter Reg

Cc: HaakeL; Kent Stigall

Subject: Re: HB5001 as passed Senate

Kirk,

I spoke to Chris Jones and Kent Stigall. Apparently, the changes we discussed based on the map of the Davis precinct you sent would have pushed the voting age African American population in the 71st District down to 54.8%. The target criteria was 55%, so the change can't be made. When you and I were working in Legislative services, we indeed moved the wrong part of Davis, which is why the numbers looked correct to us.

Given the time constraints on this thing, I don't think we have enough time to try to come up with a fix that keeps the 69th, 70th, and 71st all at 55% African American voting population and within a 1% total population deviation. We can try to do some cleanup next year. I know that doesn't help you think election cycle, but that may be the best we can do.

Jenn
Jennifer L. McClellan
Virginia House of Delegates
71st District
P.O. Box 406
Richmond, VA 23219
(804) 698-1071

To: "Jennifer L McClellan" <DelJMcClellan@house.virginia.gov>

From: "Showalter, Kirk - Voter Reg" <Kirk.Showalter@Richmondgov.com>

Date: 04/08/2011 12:34PM

Cc: "Haake, Lawrence" <HaakeL@chesterfield.gov>

Subject: HB5001 as passed Senate

Dear Jennifer:

I saw the new version of HB5001 that passed the Senate. Unfortunately (and unlike the Senate substitute version) it did not include any of the fixes to the split precincts that we worked on. Was there a particular reason for this? Should I pursue Governors' amendments to make the changes?

I would very much appreciate your guidance on this at your earliest convenience. I am leaving early today, but can be reached on my cellphone at 387-7331. Otherwise, I will be in my office during usual hours. The number here is 646¬5950.

J. Kirk Showalter General Registrar City of Richmond (804) 646-5950

[attachment "image001.jpg" removed by Jennifer L McClellan/HDel/HOD]

From: gpnardo@house.virginia.gov

To: Chris Marston <chris.marston@gmail.com>

Subject: Fw: Status Update - House Redistricting

Date: 4/7/2011 10:31:27 PM

Attachments:

Meant to send this to you a moment ago. GP

—— Original Message ——

From: "G. Paul Nardo" [gpn740@gmail.com]

Sent: 04/07/2011 10:29 PM AST

To: Chris Jones <chris@schrisjones.com>

Subject: Re: Status Update - House Redistricting

Chris,

Yes, let's talk in am.

What would be need to come back for the week of April 18? Gov reax? I'm betting that he won't have his amdts back until later that week – expect Bolling (with 3rd Floor pressure) to drag his heels in signing (he has up to 3 days).

Glad Richmond is OK.

Congressional Districts is a total Janis production and Ldrshp is in process of getting on top of it now that House plan is over to Senate (and coming back on Monday). Will talk to him in am too to see what he learned up in DC today and what all he's thinking.

Thanks,
GP

On 4/7/11, Chris Jones <chris@schrisjones.com> wrote:

>

>

> S. Chris Jones

>

> Begin forwarded message:

>

>> From: Chris Jones <chris@schrisjones.com>

>> Date: April 7, 2011 9:42:45 PM EDT

>> To: "G. Paul Nardo" <gpn740@gmail.com>

>> Subject: F/up

>>

>

>> GP,

>> I followed up with Jennifer McCllelan this afternoon and she reconfirmed that the request of Kirk Showalter, Richmond Register, exceeded the 55% threshold when they did on the 2nd floor for all affected districts and hat she would have never requested it if it didn't. I am not sure what got lost in translation, but the good news is it is fixed now and Jennifer will explain the Senate amendment on floor Monday if needed.

>>

>> Janet Howell called and wanted to discuss schedule for Congressional plan and if we would come back the week of 18th to deal with HB 5001 if needed. I know it is the week of Easter, so we need to discuss tomorrow am if possible.

>>

>> So much for some R & R, lets chat mid morning. Thanks for sending out the >> e-mail for the 1pm mtg on Monday.

>> Cheers,

>>

>> CJ

>>

>> S. Chris Jones

>

–

Sent from my mobile device
G. Paul Nardo
Chief of Staff
Office of Speaker William J. Howell
Virginia House of Delegates
State Capitol
GAB Suite 635A
Richmond, Virginia 23219
0: (804) 698-1228
F: (804) 698-1828
M: (804) 614-0687 (legislative issues)
M: (804) 840-6915 (non-legislative issues)
E: gpnardo@house.virginia.gov (legislative)
E: gpn740@gmai1.com (non-legislative)
W: www.williamjhowell.org

From: Jennifer L McClellan

To: Kent Stigall

Sent: 4/6/2011 4:57:02 PM

Subject: Re: Redistricting fix

Thanks.

Sent from my iPad

On Apr 6, 2011, at 3:52 PM, "Kent Stigall" <kstigall@dls.virginia.gov> wrote:

Yes.

On Wed, Apr 6, 2011 at 1:26 PM, Jennifer L McClellan <De1JMcClellan@house.virginia.gov> wrote:

Kent,

When you make the change, could you email the new map for the 69, 70, and 71 so I can show it to the Richmond and Chesterfield registrars to be sure we captured what they intended? Thanks.

Jenn

Sent from my iPad

On Apr 6, 2011, at 8:26 AM, "Kent Stigall" <kstigall@dls.virginia.gov> wrote:

Jennifer,

Thanks for the map image. I'm glad our web site is being put to use!

Kent

On Wed, Apr 6, 2011 at 4:04 AM, Jennifer L McClellan <De1JIMcClellan@house.virginia.gov> wrote:

Kent,

FYI. Let me know if you have any questions or if this changes the plan I gave you yesterday.

Jennifer

Sent from my iPad

Begin forwarded message:

From: "Showalter, Kirk - Voter Reg" <Kirk.Showalter@Richmondgov.com>

Date: April 5, 2011 6:43:37 PM EDT

To: "Jennifer L McClellan" <DelJMcClellan@house.virginia.gov>

Cc: "Haake, Lawrence" <HaakeL@chesterfield.gov>

Subject: Redistricting fix

Dear Jennifer:

I am a little nervous that we didn't get the right area of the Chesterfield Davis precinct when we drew the new map. (We probably did, but better safe than sorry.) Accordingly, attached is a PDF file showing what I believe is the area in question I hope it helps clarify things. Thanks again for all your hep!

J. Kirk Showalter
General Registrar City of Richmond
(804) 646-5950

—

W. Kent Stigall
804-786-3591
Division of Legislative Services
General Assembly Building
910 Capitol St.
Richmond, VA 23219

—

W. Kent Stigall
804-786-3591
Division of Legislative Services
General Assembly Building
910 Capitol St.
Richmond, VA 23219

From: "Showalter, Kirk - Voter Reg" <Kirk.Showalter@Richmondgov.com>

Date: April 5, 2011 6:43:37 PM EDT

To: "Jennifer L McClellan" <DelJMcClellan@house.virginia.gov>

Cc: "Haake, Lawrence" <HaakeL@chesterfield.gov>

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Dear Jennifer:

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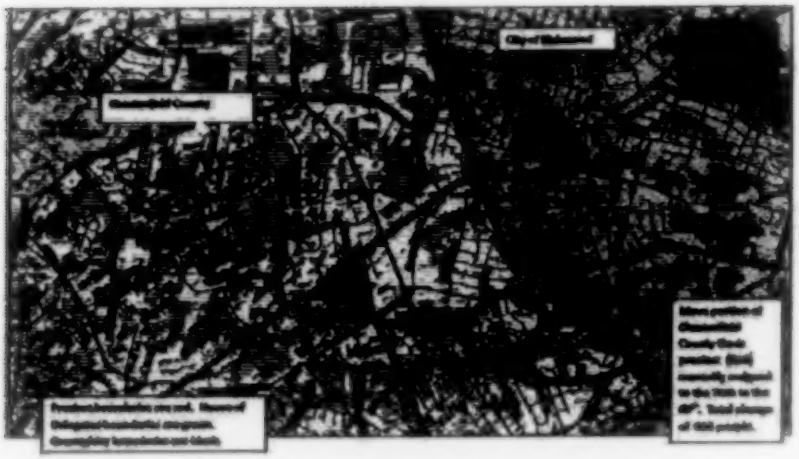
J. Kirk Showalter
General Registrar City of Richmond
(804) 646-5950



From: Showalter, Kirk - Voter Reg

To: Jennifer L McClellan

Sent: 4/5/2011 12:54:35 PM

Subject: RE: Redistricting plan comments

Anytime something that important comes up, don't hesitate to contact me at home. Wouldn't be the first time I've worked on a weekend! My personal cellphone (the most reliable way to reach me outside of work) is 387-7331.

J. Kirk Showalter
General Registrar
City of Richmond
(804) 646-5950

From: Jennifer L McClellan [mailto:DelJMcClellan@house.virginia.gov]

Sent: Tuesday, April 05, 2011 12:53 PM

To: Showalter, Kirk - Voter Reg

Subject: Re: Redistricting plan comments

Thanks. I wish we had had time to consult you on the changes that resulted in the committee substitute, but the bulk of that work happened over the weekend!

Sent from my iPad

On Apr 5, 2011, at 12:51 PM, "Showalter, Kirk - Voter Reg" <Kirk.Showalter@Richmondgov.com> wrote:

You are the absolute best. In the meantime, I'll work on my end to identify what might work.

My direct number is 646-6486. If it goes off into strange places (because I don't have voicemail), then that means I'm not at my desk. In that case call 646-5950. I should be here all day.

J. Kirk Showalter
General Registrar
City of Richmond
(804) 646-5950

From: Jennifer L McClellan [mailto:DelJMcClellan@house.virginia.gov]

Sent: Tuesday, April 05, 2011 12:45 PM

To: Showalter, Kirk - Voter Reg

Cc: DelBCarr@house.virginia.gov; Haake, Lawrence; Delores McQuinn

Subject: Re: Redistricting plan comments

We are sitting on the House floor, and Chris Jones just explained why they adopted a 1% deviation. There was an attempt to move it to 2% in committee, but that failed.

If we set up some time to sit down with Legislative Services, we may be able to work with the software to come up with a fix, but i will need to figure out

procedurally how to make them. Theoretically, we could present it to the

Governor, or we could put in a cleanup bill with Chris' ok. Since the bill is on 2nd reading now, it is too late to work out floor amendments. If all else fails, we can do a cleanup bill next year, but I know that won't do any good for this election cycle.

I will give you a call when we get off the floor today.

Jennifer

Sent from my iPad

On Apr 5, 2011, at 12:23 PM, "Showalter, Kirk - Voter Reg" <Kirk.Showalter@Richmondgov.com> wrote:

Dear Jennifer:

Thanks so much for your response. The 2% criteria that I quoted was according to the House adopted criteria of 4/3/11 shown on the Division of Legislative Services' website. The earlier House approved criteria (3/25/11) was, indeed 1%, but apparently something changed. I will check with Division of Legislative Services to verify which it is. Here is the website from which I got my information (http://redistricting.dls.virginia.gov/2010/Criteria.aspx).

I may have an idea about other adjustments between the 69th and 70th that would work, but it would take City Council's approval and there isn't enough time to get that before the state's plan is adopted.

As to "healing" the precincts involved, 208 might be possible, but 505 is not because of its location and lack of a polling place within the smaller part.

Unfortunately, the only data that I have is the total population affected as listed in the reports that I have.

I don't have access to the state's redistricting software so can't quickly look at the impact on voting age population or minority population with the proposed change, but the numbers are so small with what I proposed that I can't imagine it would be very large.

Will take a look at the latter questions and get back to you as quickly as I can. Thanks for looking out for us localities in this!

J. Kirk Showalter
General Registrar
City of Richmond
(804) 646-5950

From: Jennifer L McClellan [mailto:DelJMcClellan@house.virginia.gov]

Sent: Tuesday, April 05, 2011 1:39 AM

To: Showalter, Kirk - Voter Reg

Cc: DelBCarr@house.virginia.gov; Haake, Lawrence; Delores McQuinn

Subject: Re: Redistricting plan comments

Kirk,

Betsy, Delores, and I have been working to try to resolve the issues with split precincts. Unfortunately, the House adopted a 1 % deviation criteria rather than 2%. To adopt your suggestion would require Betsy to pick up a few more people, either in Richmond or Chesterfield. Do you have any ideas on where we could make that up? Are there any precincts split between the 70 the and 69th districts that could be consolidated to make up the difference?

Also, we have to be careful not to reduce the African American population or voting age population through any changes to avoid Voting Rights Act issues.

Delegate Jones has expressed a preference to maintain voting age population for all majority-minority districts above 55%. Do you know what your proposal does to those numbers for the 71st and 69th districts?

If we can propose an additional swap to Delegate Jones that maintains his target numbers, we may be able to get him to agree to your proposed change. In the alternative, could we resolve the issue through changes to precinct boundaries? Will the City change any precinct boundaries when it does it's redistricting?

Sincerely,

Jennifer

Jennifer L. McClellan
Virginia House of Delegates
71st District

Sent from my iPad

On Apr 4, 2011, at 10:13 PM, "Showalter, Kirk - Voter Reg" <Kirk.Showalter@Richmondgov.com> wrote:

<M1.2.jpg>

Dear Ladies and Gentlemen:

The attached document contains comments on the currently proposed redistricting plans from the perspective of the City of Richmond, Office of the General Registrar. I appreciate your consideration of these comments as you move forward with redrawing the House of Delegates and Senate Districts.

J. Kirk Showalter
General Registrar
City of Richmond
(804) 646-5950

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<City of Richmond Redistricting Comments.pdf

<Fairfax EB Redistricting Concerns 04-04-11.pdf>

From:	Showalter, Kirk - Voter Reg
To:	William J. Howell; Mark Cole; Chris Jones; District29; District32
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Sent:	4/4/2011 10:12:32 PM
Subject:	Redistricting plan comments
Attachments:	City of Richmond Redistricting Comments.pdf; Fairfax EB Redistricting Concerns 04-04-11.pdf

Dear Ladies and Gentlemen:

The attached document contains comments on the currently proposed redistricting plans from the perspective of the City of Richmond, Office of the General Registrar. I appreciate your consideration of these comments as you move forward with redrawing the House of Delegates and Senate Districts.

J. Kirk Showalter
General Registrar
City of Richmond
(804) 646-5950

[Logo] Office of the General Registrar

City of Richmond

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April 4, 2010

The Honorable Robert F. McDonnell, Governor, Commonwealth of Virginia

The Honorable Charles J. Colgan, President pro tempore, Senate of Virginia

The Honorable William J. Howell, Speaker, Virginia House of Delegates

The Honorable Janet D. Howell, Chairman, Senate Privileges and Elections Committee

The Honorable Mark L. Cole, Chairman, House of Delegates Privileges and Elections Committee

The Honorable S. Chris Jones, Member, Virginia House of Delegates

(All via electronic mail)

Dear Governor McDonnell, President Colgan, Speaker Howell, Chairman Howell, Chairman Cole and Delegate Jones:

As a long time elections administrator, I was deeply concerned when I reviewed HB5001, as introduced. The City of Richmond has accommodated three precincts split between election districts for the past decade and has learned that when you conduct two separate elections in the same precinct (as is required when a precinct is split between election districts), you

run into more than a few difficulties. These were fully enumerated by Mr. Larry Haake, President of the Voter Registrars Association of Virginia (during today's comments before the Privileges and Elections committees) and the Fairfax County Electoral Board (via electronic letter, copy attached). Thus, I will not elaborate further, except to say that I fully share their concerns regarding split precincts.

I was, therefore, very glad to see the committee substitute for HB5001 as it vastly reduces the number of split precincts. Unfortunately, the City of Richmond would still be left with five precincts split between House of Delegates districts and – under Senator Howell's proposals – one precinct split between Senate districts, for a total of six split precincts.

The Honorable Robert F. McDonnell, The Honorable Charles J Colgan, The Honorable William J. Howell, The Honorable Janet D. Howell, The Honorable Mark L. Cole, and The Honorable S. Chris Jones, Member, Virginia House of Delegates Page Two April 4, 2011

I believe that the number of split precincts can be even further reduced for the City of Richmond if the following actions are taken:

- Place all of precinct 208 in the 71st House of Delegates district and all of precinct 505 in the 69th House of Delegates district. The total population for the 71st district would then be 80,304 which is 0.37% deviation from the ideal. The total population for the 69th district would become 78,774 which is - 1.5% deviation from the ideal. The deviation of both districts remains within the 2.0% set forth in the House of Delegates' criteria.

- Place all of precinct 106 in the 8th Senate district. The total population for the 8th district would be 200,717 which Is 0.35% deviation from the ideal. The total population for the 9th district would become 200,842 which is 0.41% deviation from the ideal. This action actually improves the deviation for district 9, while still keeping the deviation for district 8 under 1%.

I thank you for considering these adjustments. They would very much help us better serve the citizens of the City of Richmond, which is a goal that I am sure we all share. Please call me at 646-5950 if you have any questions.

Sincerely,

/s/ J. Kirk Showalter
J. Kirk Showalter
General Registrar

c: Members of the City of Richmond Electoral Board

Members of the City of Richmond City Council

The Honorable Dwight C. Jones, Mayor, City of Richmond Members of the City of Richmond General Assembly Delegation Don Palmer, Secretary, State Board of Elections

[1] PRIVILEGES AND ELECTIONS

REDISTRICTING

PUBLIC HEARING

BEFORE: JANET HOWELL, CHAIRWOMAN
MARK COLE, CO-CHAIR

PLACE: COMMONWEALTH OF VIRGINIA
GENERAL ASSEMBLY BUILDING
HOUSE ROOM C
RICHMOND, VIRGINIA 23218

DATE: APRIL 4, 2011

Crane-Snead & Associates
4914 Fitzhugh Avenue, Ste 203
Henrico, Virginia 23230
804-355-4335

[2] SENATOR HOWELL: Good morning, everyone. I'm Senator Janet Howell, and I represent the Senate Privileges and Elections Committee, and with me is Delegate Mark Cole, who chairs the House Privileges and Elections Committee. I want to thank you all for coming today and participating in our public hearing.

Last winter and fall, both the House and Senate Privileges and Elections Committees held public hearings across the state to hear from you about the redistricting process that is now before us. In addition, eight public hearings were held last week, this being the eighth and final.

During these hearings, we will be in a listening mode. We want to know what you are thinking. We welcome public comments, and they have been and will continue to be considered. In addition to these hearings, we will be reading the comments that are

being posted on the redistricting website at the Division of Legislative Services. These hearings are an opportunity for us to hear from the public and receive your input.

We are under considerable time constraints. Because of elections this year, unlike most states, which won't have assembly elections until 2012, the redistricting time table is short. It's only been one month since Virginia received corrected census numbers. [3] Looking forward, because we are a Voting Rights Act state, we must send our plans to the Department of Justice, which has 60 days to review and preclear them. We must also follow State and Federal laws for the timing of our primary and general elections. This has resulted in a very compressed time schedule.

This week, during our redistricting special session, bills will be introduced by legislatures, and those bills will go through the normal legislative process. The dramatic shifts in Virginia's population required changes in district lines. Some districts were grossly over-populated. Others were significantly under populated. Some regents will gain representation. Other regents will lose representation. This is due to the One Person/One Vote Federal and State requirements.

This past Tuesday afternoon, Senate democrats presented a proposed plan to the General Assembly's Division of Legislative Services. We have already made numerous changes to that plan, and, based on comments we've received, we expect we will make further modifications. This plan can be found on the Division of Legislative Services website.

We believe our proposed plan fully complies with all applicable Federal and State legal requirements,

including the One Person/One Vote Requirement of the [4] Federal and State Constitutions, the Voting Rights Act, and, as I said, the Virginia Constitution.

And now, Delegate Cole.

DELEGATE COLE: Thank you. I want to welcome everyone here for this public hearing. And, again, as the Senator said, this is our opportunity to hear from you, hear from the public on the redistricting plans that have been put forward. So there won't be a whole lot of comments or anything from the committee. And, again, I just look forward to hearing from everyone.

SENATOR HOWELL: Just for everyone's information, we have a court reporter who is taking down all the comments, and they will be posted on the website. Also, we would ask that each person speak for no more than three minutes. Now we begin, but I don't have the list. Thank you. Kirk Jones.

MR. JONES: Madam Chair and Chairman Cole, Members of the Joint Committee, my name is Kirk Jones. I'm president of the Central Virginia chapter of the Randolph Institute. I appear before you this morning to encourage you to not only maintain the majority of the voting districts that we have in the state, but try your best to create others.

Based on the census from 2010, we can see the drastic changes in the population of the state. We have [5] an increased minority population, not only Africa Americans, but also Hispanics in our state. These citizens deserve representation. They deserve to be given a chance to vote for representatives of their choice. This is my request to you today. Thank you.

DELEGATE COLE: Andrew Rivera.

MR. RIVERA: Thank you for the privilege of talking to this distinguished body. My name is Andrew Rivera. I am an attorney, and a resident of Alexandria, Virginia. I also happen to be of Puerto Rican birth and persuasion, and I'm here to talk about the Latino community here in Virginia. The 2010 census data shows that Latinos are ten percent of the Virginia population now, one out of every twelve residents, yet we have yet to elect a Latino to this distinguished body. And it is important that, as this distinguished body reviews the district lines, we know that there's yet to be an opportunity to draw a majority Latino district in the state, despite the best effort of the bipartisan commission, and of the college competition.

However, we do maintain some strong polarities with a voting-age population within at least twenty districts of the delegates and about ten in the Senate. I would also urge that we concentrate, but not dilute, the Latino community in the districts. I would also urge that [6] we re-exam the assembly plan, as written.

In the 21 districts that we have at least ten percent voting age population of Latinos, nine are represented by republicans. And, of those nine districts, the polarity of Latinos in those districts are reduced except for one, that of Delegate Marshall, who goes from ten percent Latino population, to a twenty percent population in his district.

And those are my comments at this time. Thank you very much.

DELEGATE COLE: Thank you. Juan Marcos Vilar.

MR. VILAR: Good morning. Thank you, Senator Howell and Delegate Cole. My name is Juan Marcos Vilar, and I live in Alexandria, Virginia. I've lived in

the State of Virginia for nine years now. I would like to re-emphasize what the previous two speakers have talked about today.

There's something that just stands out vividly from the census figures, and that is the growth of the diversity in this state. I think that the plan that you currently have could add two additional African American seats, if you were to spread the population around a little bit better and add some more representation on that line.

And, again, I'm concerned with the fact that so [7] many districts are being diluted of Latino population, whereas the concentration of the population would give us a more solid voice, even though we may not achieve to have a majority Hispanic district at this time.

Thank you very much for your time. Those are my comments.

DELEGATE COLE: Thank you. Sherry Blanton.

MS. BLANTON: Good morning. Thank you for having me. I know with the pretty nice weather, it's a shame to have to be inside, but it's spring, now, finally. My name is Sherry Blanton. I live in Herndon, Virginia, and, like the others, I just want to address some of the history of Virginia.

DELEGATE COLE: Could you move your microphone down a bit, please? Thank you.

MS. BLANTON: Sorry. Historically districts in Virginia have been gerrymandered to decrease the votes of African Americans. With the growth of the immigrant population over the past decade, the Virginia legislature is even less representative of our state's diversity.

Every Virginian has the right to a fair political district. Every ten years you have the opportunity to right these past wrongs. I hope you will act wisely this year to draw political boundaries that will create fair political districts.

[8] Thank you.

DELEGATE COLE: Thank you. Alex Vargas.

MR. VARGAS: Thank you, general. I would like to speak to you about the majority, as well. Especially being a northern Virginia resident, born and raised, we do see diversity growing, but the voice of – being able to speak to the public, going door to door, they don't feel like there is representation there. They don't feel like there is a purpose for them to vote, because they don't see the change that is happening in their communities.

A lot of times, people in those communities don't have the outreach to their youth. They don't have the opportunity to finding further enhancements on how to improve their youth. The first generation families here, especially the children, are falling into other kinds of incidents with gang involvement or drug use, things like that. We do need to do a little bit more outreach programs within our northern Virginia to help the youth that we have there. Thank you very much.

DELEGATE COLE: Thank you. Bob Matthias.

MR. MATTHIAS: Senators, Delegates, Bob Matthias from the City of Virginia Beach. City Council last week adopted a letter that you have in front of you. We also emailed it to you earlier, or last week, and some of you heard presentation by Council Member Glenn Davis at your [9] public hearing last Thursday. I'm not going to

read the whole letter. I'll just hit some of the high points.

Virginia Beach is currently represented by two senators who represent all of Virginia Beach, plus three senators that represent smaller portions of the City. We're very concerned that one of the plans put forth for Senate representation would only have one senator as sole representative of Virginia Beach.

We strongly believe that the city should be represented by two senators who represent only the City of Virginia Beach, plus other Senators who represent smaller portions of the population. We respectfully request that any redistricting plan that goes forward would, to the extent possible, address our concerns.

One other concern, and I know this is a very difficult process, but we also are concerned that the 14th district, Senator Quayle, stretches all the way up into Virginia Beach. I know committee assignments will change, but under the current plan, Senator Quayle would be the only senator representing the City of Virginia Beach on the Senate Finance Committee.

We tried to be a community of interest, and I think the only community of interest we could find was that we all would take 460 to go to the Virginia Diner, as far as the 14th District.

[10] Again, that's the concern, above and beyond what the Council expressed in their letter. Thank you very much, again. I know this is a very difficult task.

DELEGATE COLE: Thank you. Tom Van Auken.

MR. VAN AUKEN: Good morning, Mr. Chairman, Madam Chairman, members of the Committee. Thank you for taking your time to hear our concerns. My name is Thomas Van Auken. I've been a resident of

Bon Air in Chesterfield County since 1972, and I have survived three previous redistrictings. I'm particularly concerned with the Senate redistricting this year.

I have two major concerns regarding the Howell plan, which is obviously the only one we need to pay attention to. The first thing is community of interest and jurisdictional integrity. This plan doesn't seem to show any concern for our jurisdictional boundaries or for our community of interest. The districts in this plan cross county and city lines as if they weren't even there. It throws suburban and rural areas together with no apparent concern for the interest of the people in these districts. And, finally, it even splits precincts. I guess the only reason it doesn't split census tracts is no one has yet figured out how to do that.

Chesterfield County's population justifies somewhat over one and a half Senate seats, but [11] Chesterfield gets divided up among four Senate districts. Two of these seats are tied to large rural areas, which suburban Chesterfield has little in common with. Two are tied to urban and suburban areas north of the James River, areas that have long looked down on Chesterfield as "the southwest pasture."

What this does, in effect, is to weaken the voice of Chesterfield in the Senate of Virginia, since anyone holding one of these seats has to pay attention to the interests of the other parts of the district, as well the part that lies in Chesterfield.

Bluntly, we in Chesterfield are a little bit tired of being used as filler to complete legislative districts of some other jurisdiction, or to tie two blocks of population together. Surely you can treat us a little better than you have. And did you really have to run a new senatorial district, eight, into Chesterfield?

Secondly, the second major concern is the population imbalance between districts. The Howell plan, the current one, allows a population deviation of plus or minus two percent between districts. The maximum difference between district populations is almost eight thousand people. That's a lot of people.

The proposed House plan has district deviations of only plus or minus one percent, even though they're [12] working with smaller districts, which are harder to make equal. It's simply not fair to allow some districts to be significantly smaller than others. I guess some voters have louder voices than others. Surely you can do better than plus or minus two percent.

Finally, let me get back to the matter of splitting precincts. Times are tight. In Chesterfield County, we have some pretty tight county budgets out there. Every time you spit a precinct in Chesterfield, it costs the tax payers in Chesterfield $25,000 to start up a new precinct. Ouch. I'm paying for that, not you. How about trying to minimize the number of precincts you split up? That would be helpful.

Thank you very much for taking the time to listen to me.

DELEGATE COLE: Thank you. Angela Kelly-Wiecek.

MS. WIECEK: Wiecek.

DELEGATE COLE: I'm sorry.

MS. WIECEK: That's okay. Nobody gets it right.

Thank you. My name is Angela Kelly-Wiecek. I'm a resident of Hanover County, and a proud constituent in the fourth senatorial district, and it is to the senatorial redistricting plan that I come to speak to you today.

In Hanover we have been fortunate to always be represented by one senator. One senator. We are one [13] hundred thousand citizens. We would form one half of any senatorial district you plan to put us in. Unfortunately, the Howell plan splits Hanover into three disparate senatorial districts.

Now, I'm not here to comment on the particulars of those senatorial districts, but we have a very specific community in Hanover. We're primarily rural, interspersed with certain suburban pockets, and for the little country town of Ashland, with its quaint shops and allure to be then paired with the urban concerns of downtown Richmond and Varina doesn't seem to create a community of interest. At least, not in terms of anybody I have talked to.

Additionally, the western portion of our county, with the quiet and rural farming communities of Montpelier and Rockville to be combined then into the 12th district with the mega-hyper suburban development of Short Pump equally doesn't seem to make any sense.

So what you have in Hanover is a community of people who attend rotary clubs and Sunday school, soccer fields and roller hockey leagues. We all get together and have discussions, much like neighbors and friends do. Unfortunately, under this plan, we will be split as a community; split, and have no equal senatorial representation. It does not make any sense for the voice [14] of Hanover to be diluted and made an afterthought in three different Senate districts, rather than having our singular voice, as we have always enjoyed.

I really believe this is an egregious miscarriage of just representation, and I urge you, urge you in every

sense, to go back to the drawing board. Look again at this plan, what you are doing to the Hanover citizens. Hanover citizens deserve better. The Commonwealth deserves better. So, please go back, look again, and allow Hanover to be represented by one senator.

Thank you.

DELEGATE COLE: Thank you. Larry Haake.

MR. HAAKE: Good morning, Senator Howell, Delegate Cole, Members of the Committee. I'm Larry Haake, the General Registrar of Chesterfield County. I'm also the president of the Voter Registrars Association of Virginia.

First off, I want to, on behalf of the Registrars, to thank you for your quick work on this matter. Senator Howell quite accurately portrayed the short window that we all have. And, of course, I come from the world that has to implement what you ultimately decide. And we're ready. So we're anxious for you to make your decision.

Secondly, I wanted to talk about implementation, [15] in terms of split precincts. You heard Mr. Van Auken mention the cost to open a new precinct, and I don't think it's limited to Chesterfield County. It's $25,000. And I'm looking at the current House Plan, and the two dominant plans in the Senate. The cost to localities across the Commonwealth to implement the plans as they are would range from 6.2 million to 6.7 million, just to correct the split precincts.

And what we try to do is eliminate a split precinct, because split precincts provide another level of overhead that's difficult. It increases voter confusion, to the point that it can even slow down voting on election day. So the best remedy for a split precinct is to

eliminate it. And that's where that 6.2 million to 6.7 million right now exists. I don't think the localities are ready for that.

So I would ask you, in your deliberations, to minimize split precincts as much as you can. I recognize the difficulty of it. By minimizing them, we eliminate voter confusion. We keep things moving well on election day, and the whole system works better.

Thank you for your consideration.

DELEGATE COLE: I'm probably going to get this name wrong, too. Phaedra Jackson?

MS. JACKSON: That was actually very correct. [16] Chairpersons and Members of this Committee, my name is Phaedra Jackson. I'm a resident here in Richmond, and I'm here on behalf of the Virginia New Majority. I'm here to encourage the legislature to draw maps that truly reflect the population of Virginia.

The current political district lines have been drawn to force Virginia's communities to accept powerlessness. We now have the opportunity to correct centuries of political exclusion through this redistricting process. We can all agree that the criteria like compactness, contiguity, and the keeping together of communities of interest are crucial in this process, but we must also fight for competitiveness. To have a fully functional electorate, we must engage residents of the Commonwealth with political lines that reflect the population.

Virginia's communities of color have contributed heavily throughout history to making our state what it is today. Despite this, communities of color have persevered through decades of exclusion from the state's law-making institutions. I urge you to draw fair

and competitive maps. To that effect, Virginia New Majority would respectfully like to submit maps that allow for two African American districts that make up parts of rural Virginia.

[17] DELEGATE COLE: Just give them to the secretary there. Thank you very much. Robin Lind.

MR. LIND: Thank you, Mr. Chairman. Robin Lind for the Virginia Electoral Board Association. Speaking on behalf of the association, we would like to thank you all for the very difficult work that you have done in assembling all these districts. I would say that we are somewhat stupefied by the ability to achieve the less than one percent difference in your plan for the House District. But we also have to second the concerns of Larry Haake.

It is a substantial financial burden on members of the Association, the 134 counties and cities, and we were surprised at how many precincts were split. I understand from one of the members of the House that the Department of Justice told you that precinct lines are arbitrary and that you should not regard them any more than others.

And, now, stepping back from that, and reintroducing myself as Secretary of the Goochland County Electoral Board, I can give you a specific example in Goochland County, where we have one precinct that has a quarter of our border voters in it, approaching 4,000. We are required to split it, so we will be creating a new precinct there.

[18] Under the plan for the House, between the 56th and the 55th districts, one of our supervisor's districts, precincts, has been split without regard to the supervisor's line. We would like to very much move that split, take the very same number of people, so there is

no change, and move it to the new precinct that we are creating in the east. We will be submitting a map to the Community with that proposal. And I believe that both Delegate Janis and Delegate Ware would be along with that proposal.

DELEGATE COLE: Delegate Jones.

DELEGATE JONES: Sir, before you sit down, if you don't mind. Just so you know, since I have the House Bill, we have already received at previous public hearings that we've held across the Commonwealth. And we've already accommodated a hand full of requests. So if you could just provide it to us in writing, which I'm sure you will or you have, and we'll take care of that. And the admission of the substitute that we'll have before the House tomorrow.

MR. LIND: Thank you very much. I expected to meet with Delegate Ware this morning before you went into session to clear it with him, and I will then submit a proposal to you for the amendment to the bill.

DELEGATE JONES: And, as you all know, the [19] Electoral Boards tend to draw precinct lines to begin with. We have a large variation from ten years ago to now, so we have eight or nine thousand people, and some have eleven hundred. So we realize that you're going to be making cuts to those precincts. In years past, we would come back in subsequent years and then we can maybe make some tweaks when you do your supervisor or your next district lines.

MR. LIND: I appreciate that very much.

MR. JONES: Thank you.

DELEGATE COLE: All right. Eddy Aliff.

MR. ALIFF: Eddy Aliff, director of the Virginia Center of Independent Baptists. I appreciate especially

what I've heard from Chesterfield. I just returned from two churches this weekend in the Lone Oak area, and their concern was their votes being diluted, losing representation there.

Personally, I'm from Hanover. I'm concerned about the split, as well, as an individual in those areas. I appreciate the difficulties that you have, but I would prefer, as much as anything, nonpartisan maps to be drawn, with considerations of what these other gentlemen have said, the cost factors of those involved in the electoral process.

We appreciate, again, communities of interest [20] being maintained just as much as possible. Our folks live in varying communities of interest, and they're not limited to one specific area. They go to one particular church, but they still want their voice to be heard within their communities of interest. Thank you.

DELEGATE COLE: Thank you. The next one is Mayor Bryan Moore or Vice Mayor Horace Webb.

MR. MOORE: I am Bryan Moore. Vice Mayor Webb is not here.

Madam Chair, good morning, distinguished Legislators. Again, I am Brian Moore of the City of Petersburg, I am our newly-elected mayor, as of 2011. We are proudly represented by Rosalyn Dance in the House. She's a wonderful lady.

What I would like to ask you today, as a part of the 63rd district, we are currently a minority/majority district. With more than 80 percent of our community being African American, we would support and propose that any plan that you have or end up passing ensure that we remain intact as a community.

As our community, even though we have a strong voting strength of at least 55 percent, our statistics show that, with the voting percentages of 40 to 42 percent, it is important that we maintain the minority districts.

[21] I understand the importance of your task. Tomorrow night City Council will be doing our districts. We will begin that process. And we'll be working toward completing that on the 19th. So, again, we would ask that you support the supporting of the majority/minority districts, and Petersburg say thank you today.

DELEGATE COLE: Thank you very much. Next, is there a representative of the George Mason Redistricting Team that would like to speak?

MR. HUTCHIN: Hi. I'm Gabriel Hutchin with the George Mason Redistricting Team. Unfortunately, our students wanted to testify, but they've just been called out by Delegate Morrisey before he goes into caucus. Could we possibly bump them down the list a few slots so they can come back in?

DELEGATE COLE: All right. Steven C. Van Voorhees.

MR. VAN VOORHEES: It's that Dutch name with double vowels and double capitals. I'm a citizen of the City of Richmond, and I'm a little amazed that I'm here talking to you today.

Forty-some years ago, I taught high school history and U.S. Government, and when we got to this subject, and we talked about gerrymandering, it became a joke. And it was wrong. Gerrymandering was wrong, and [22] the students thought it was a joke. They thought it was all in history, and not in the current situation.

That was forty-some years ago. Most of those people are now in their forties and fifties. Some of them are getting close to sixty, my former students.

I'm hoping that you will just follow some principles, some of which had been touched on by all the speakers ahead of me, that you bear in mind cohesive, continuous communities of interest, easily recognizable by the voters of those areas, the people who actually vote. I appreciate that your job is not a good one. It's a hard one, and you've been working very, very hard with each other across party lines, to reach some agreement, but I urge you to make sense to voters, and not create districts that are gerrymandered and basically facilitate cherry picking by incumbents. I would like you to make us proud of this General Assembly. I'm proud to be a Virginian today, and I'm just hoping that you will remember your history and use these principles in your work.

One more thing. Some of you may have heard the iceberg theory. Icebergs are visible from the surface as only a fraction, some people say around ten percent, and there's another ninety percent below the surface. So you take all the speakers you've heard, in all eight sessions, [23] and you multiple that by ten times, and that's at least the measure of the concern that people have for this. Of course, a hundred percent of the people are affected by your work.

Thank you for your best efforts.

DELEGATE COLE: All right. Thank you very much. Is it Carl Wright? He stepped outside. All right. We'll pass that by temporarily. Todd Vander Pol.

MR. VANDER POL: Good morning. I'm Tom Vander Pol from Hanover County, and I want to thank you

all for your efforts. You have challenging positions. I understand that.

I, too, was thinking back on the gerrymandering, and, to me, that's from another age of political discussions, smoke-filled rooms, powerful individuals having their way with districts, and I really didn't expect to see it. But when I look at northern Virginia, Tidewater and Central Virginia, it seems silly. It seems outrageous.

I'm not an elected official. I don't represent the constituency, but I'm a small businessman in Hanover County, a father of four, and for the last 21 years I've seen how Hanover County works very well. The individuals have bought in to a common Board of Supervisors, a common Sheriff's Department. The school system does quite well, [24] and public utilities. In the past, ten years ago, we had a single delegate and a single senator. So we were able to very easily contact them to make our needs known, and that has worked well.

I would like to mention, I see the five percent allowance in the district, and you have attempted to go to either one percent or two percent. To me, that's a very, very small or unimportant difference. I would say if you can get within five percent, that you would much rather get a community of interest that has shared values and common interest in the political sector, rather than focus so on keeping the population where it's at.

The only other thing that I would like to comment on is that I'm saddened by the individuals who come up here advocating on the basis of race. My great-great-grandfather left Holland and took the train as far as it went in South Dakota and homesteaded. We

are Americans, and I think that it's sad that we continue to do that. Because I can categorically show you that those individuals or those groups that get the most government help are the least, the individuals that take advantage of the American citizens, or, excuse me, the American experience, are the least advantage to that group. That's just a fact. So for those individuals that are advocating for those districts, I'd say you're doing a disservice to [25] those individuals.

Thank you very much.

DELEGATE COLE: Thank you. Next is Jim Smyers; is that correct?

MR. SMYERS: That's correct. Thank you very much. I also am from Hanover County. But I had to take the day off of work today, because this plan of the Senate Redistricting was released after the close of business on Tuesday. And, here we are on Monday, and this is the last opportunity to publicly comment on this plan, which I find to be – and I'm going to use the word that Charles Schumer had to get from his caucus, but this plan is extremist. It's dividing my county into thirds.

We were always historically well-served with a single senator to whom we could raise our concerns and issues and promote our common goals. So I don't see that this plan is really promoting the idea of community of interest when Ashland, which is the center of the universe, is all of a sudden delegated to be a remote star of a distant eastern Richmond galaxy.

So, basically, I'm just reiterating what the rest of my Hanovarians are saying. Please don't split us into thirds. We're one senatorial district.

DELEGATE COLE: Thank you. Arthur Burton.

MR. BURTON: Good morning. My name is Arthur [26] Burton. I am the second vice chair of the Richmond Crusade for Voters, and I'm here on behalf of our president, and our membership, Sylvia Woods, to just say to this body that we appreciate all the work that you do, and that we want you to be aware that the Richmond Crusade for Voters is both vigilant and involved in this process.

It is our hope that you will continue to honor the Voting Rights Act and its provisions to ensure that there is equity and justice for all citizens in the City of Richmond, regardless of race, creed or color; and that, if you have the opportunity, that you will retain the current districts as they exist; and that, if you have the opportunity, that you would take a further step towards justice, to create a district that allows for more, a greater voice for all of the citizens. We will be watching for both stacking and packing, as well the unnecessary dilution of voting districts.

Again, on behalf of our president, Sylvia Woods, I would like to thank you for the opportunity to speak to you today, and continue to hope that God will bless you in your important work.

Thank you.

SPEAKER 1: Thank you. Venus Marshall.

MS. MARSHALL: Good morning. I am so privileged and glad to be here this morning to be able to speak [27] before you this morning on behalf of District 21, and I'm a resident of Virginia Beach, 25 years in the making. I'm here with the Virginia Beach African American Political Action Council, and I'm coming here to you all today to address you about the obvious situation of redistricting. I know it's a tremendous

challenge, and it presents just many, many opportunities to create a fair and equal representation in government.

As this Commonwealth State of Virginia steadfastly forges ahead with the process of remapping this state, please be mindful that blessed are the leaders that seek the best for those they serve, for all of the communities that they serve.

According to the census, we in Virginia Beach represent 19.4 percent of the population, and we are in agreement with creating a majority/minority district, so that we are being fairly represented. And joining other districts with a sizable minority population will help put Virginia's plans for redistricting in a greater compliance with Section II of the Voting Rights Act, which prohibits discrimination in voting in an election.

I won't be before you long. I want to say in closing, as this State, two days from now, on April 6th, stands to reaffirm it's commitment to our nation's motto, in God we trust, I want you all to remember and not forget [28] that the Commonwealth of Virginia means the common well being of all its citizens, that all are treated fairly and equally, and with a just system for redistricting this State.

Please know that we are taking the commitment to not only honor "In God we trust," but also taking that commitment to honor the people that have trusted you to make these decisions.

And the final words I want to say now is a scripture: "For the Lord our God is our shield and our sun. He gives us grace and glory. The Lord will withhold no good thing from those who do what is right." And that's Psalm 84:11.

Thank you, and God bless you.

DELEGATE COLE: Thank you very much. Reverend Lawrence Pollard.

REV. POLLARD: General panel members of the Committee. I'm Lawrence Pollard, past president of the Chesterfield NAACP. I'm standing here to support the City's third district. We're hoping that you will keep us with at least 55 percent of democratic voting in the district, so we may maintain our minority status.

Thank you.

DELEGATE COLE: Thank you. Going back to the people that we missed. Carl Wright.

[29] MR. WRIGHT: Good morning, Mr. Chairman, members. Thank you all for the work that you all do, particularly our Hampton Roads delegation. Thank you all for all the work that you all do.

My name is Carl Wright. I reside in Virginia Beach, Virginia. I come up here because I don't have representation in Virginia Beach. My children don't have representation, peer representation in the City of Virginia Beach. I came up here because it's time for all of Virginia Beach citizens to have representation.

Now, I know some folks have already made their minds up, and really, they really don't have an interest in what other folk's concerns of representation is. But I'm here to tell you that times have changed.

Partisanship only works when it works for the people, all of the people. I understand that a lot of folks believe power, power, power is what makes this world run. But, no, the people is what makes this world run.

In the City of Virginia Beach, the precedents have been set for the state level from the top down, that a certain segment of the community has no – obviously, to me, it says they don't have any value because they don't have a voice. I'm here to say that we have a voice. We will be heard, and we will continuously come and speak to our leadership to let them know that we're here.

[30] In the City of Virginia Beach – if you want a yard stick for gerrymandering, come to our City. I mean, you'll get a class in it. It's been gerrymandered, gerrymandered, re-gerrymandered and gerrymandered again. I'm asking you all, this time, for the children's sake. This is a ten-year process. It goes ten years.

I appreciate the work that you're doing. But it's so frustrating when you talk to folks and it falls on deaf ears. And we have some nice folks. They're real nice. You just can't get them to do anything for you when you need them to do it. And I understand the position that they're in, but I'm asking you all today, when you look at Virginia Beach, please consider all of the citizens with a fair, fair and true representation when you draw these districts up. That's all I ask. And that's for all of the citizens.

And thank you, again, for all the hard work that you do. And I hope that I didn't come across as disrespectful in a manner, because I do respect you all. But I want you to understand that we have a passion and a strong drive to do what's right in our city for all of our citizens.

Thank you.

DELEGATE COLE: Thank you very much. Now is there someone from that George Mason Redistricting Panel [31] available?

MR. O'BOYLE: Esteemed Senators and Delegates, thank you for allowing us to speak with you today regarding redistricting the Commonwealth. My name is Nicholas O'Boyle, a junior at George Mason University, and from Danville, Virginia originally. And I'm a member of the winning House Delegates Map at a recent redirecting competition that took place about a week ago.

I'm here with my other teammates, Billy Leucht and Dominick Liberatore, to ask you to adopt our map, presented in a bill to be introduced later today by Delegate Morrisey. We feel that our map has more attractive features than the one proposed in House Bill 5001, in respect to competitiveness, contiguity and compactness.

MR. LEUCHT: In regards to competitiveness, our map has over thiry percent competitive districts. This feature better allows the voter to choose their representation with greater ease. The contiguity factor of our map is unmatched. We have districts that are representative of the geographical areas, with having them lined up and down the State.

MR. LIBERATORE: With respective compactness, our district minimized the amount of split counties to 161, versus the roughly 300 presented in HB 5001. We also did [32] not split precincts, except when necessary due to population in the more urban areas.

MR. O'BOYLE: In conclusion, we welcome the continued conversation on the redistricting process in this great Commonwealth. All of these concerns voiced at this hearing are addressed in our map, including the

reduced splits of Albemarle and Henrico Counties. We urge you to scrutinize all of the maps that have been presented, and choose the one that is most representative of the citizens of Virginia.

Thank you very much.

DELEGATE COLE: Thank you. All right. That's the end of the sign-up list. Is there anyone else who would like to speak before the committee? If so, come forward and identify yourself.

MR. BARNETTE: My name is Robert Barnette. I live in Hanover County. I'm here as the president of the Hanover branch of the NAACP. We are in support of increased minority representation in Hanover County. Many of our neighborhoods, African American neighborhoods in Hanover were split ten years ago. So the Howell plan offers a lot of ingenuity in helping us increase that minority representation.

We also are in support of continued oversight by the Justice Department. And, so, we in Hanover are very [33] eager to work with the senatorial version of the redistricting plan.

Thank you.

DELEGATE COLE: Okay. Thank you.

MS. BOONE: Good morning. My name is Sarah

Boone, and I'm a board member of the Montgomery County Chamber of Commerce. Thank you, Mr. Chairman and distinguished elected officials. On behalf of the Montgomery County Chamber of Commerce, we would like to express our appreciation for the Governor and everyone who is involved in this redistricting.

As the second most populated MSA in Southeastern Virginia, Montgomery County serves as an economic, commercial, educational, recreational and cultural hub for many surrounding communities. Because of our location and the resources we have, Montgomery County has a long history working with its neighbors on projects of regional significance.

For example, Virginia Tech is a land-grant university, where outreach, research and instruction, not only support the various rural areas, but is an economic engine for our county and the Commonwealth. The opening of the Virginia Tech Carilion School of Medicine and Research Institute is a great example of how we partner and support our surrounding communities and industries. [34] This example is among many.

With its history of regional collaboration, we support redistricting plans that will further enhance our ties with neighboring communities and strengthen our collective voice, in both the halls of Congress and the Virginia General Assembly.

The Chamber also believes that robust and substantial discussion is the backbone of sound public policy. Competitive electoral districts ensure that citizens can engage candidates in the marketplace of ideas. Reasonable steps should be taken to protect the fundamental tenants of our democratic system.

We believe that our elected officials can rise to this challenge, and the many challenges that will result from it. In fact, we think that this is one of those defining moments in an elected official's career, where doing the right thing can bring greater results than the effort that is required.

Montgomery County is presently divided by two delegates and two Senators. The House District proposal divides us up in three ways, mathematically, and you can see in the proposed district in the packet that I distributed. If you focus on Blacksburg and Christiansburg and the immediate surrounding areas, that can be one delegate district.

[35] The next larger community of interest is the New River Valley and Roanoke Valley. If you combine the New River Valley, being Montgomery County, Giles, Polaski and Floyd, and part of Roanoke County, that can be one Senate district, while the remaining part of Roanoke County, Roanoke City and Salem City can be another Senate district.

Moving on to the Congressional districts, if you take the New River Valley all the way up to Lynchburg, including Roanoke County and the surrounding counties, that can be one congressional district, while another congressional district can be from far southwest through Southside. That is all in the packet.

We want to thank you for this forum, and our elected officials, again, for the opportunity to share our prospective.

DELEGATE COLE: All right. Thank you. Next.

MR. McCOY: Good morning. My name is L.J. McCoy, president of the Chesterfield NAACP. I think you did a great job on the work that you have done. I think the individuals that had information on other redistricting maps were fine, also.

But right here in Chesterfield County, I begin to see a problem, especially with the 27th district, as far as the map has been drawn. It seems as though an [36] individual that would take the opportunity to begin a

campaign to run has been selectively drawn out of their particular district, in order that they won't be able to run, and I'm terribly disturbed about that. Where the line was, where the individual would be –

DELEGATE COLE: Excuse me. Can you tell me – the 27th district, there's a House 27th and a Senate 27th.

SPEAKER 2: I'm sorry. The House 27th.

DELEGATE COLE: House. Okay. Thank you.

MR. BARNETTE: Was selectively drawn out of that particular district. And I think that's one issue, a big issue, that I'm beginning to become concerned about.

Thank you very much. Have a nice day.

DELEGATE COLE: Thank you. Next.

MR. BEYER: I'm John Beyer from Virginia21. I'm also a student at Piedmont Community College.

Chair people, Members of the Committee, thank you very much for allowing me a time to speak. Also, thank you for the hard work you have already put into creating fair and balanced districts that best represent us.

I'd like to talk a bit about people. I've heard a lot of speeches so far today about populations, percentages, precincts, partisan, nonpartisan. I would like to step back for a second and focus on the people.

When we look at making districts, I want us to [37] look at districts that create the best way to represent the people of Virginia. As students, we're constantly concerned about not being represented, and I think that extends to the greater population of Virginia.

Creating districts that represent communities, rather than create partisan politics, using bipartisan to look at the best way to ensure the best future for Virginia, is what's going to enure the best future for our state. I would encourage you to spend the time to look at the best way, not to ensure the right percentages or the right populations in our districts, but the best way to represent the people of Virginia, both local and state-wide.

Thank you very much.

DELEGATE COLE: Thank you.

MR. FORREST: I'm Sam Forrest, and we're part of the same group. How about everybody stand up that has on a snake outfit. They are rebelling against this district that looks like a snake. Thank you.

I live about ten minutes from here at VCU. Bobby Scott is my representative, and he lives in Newport News. Our district looks like a centipede, not like a snake, and that's the only thing we have in common. So that's my major complaint.

I have another complaint. These are the people [38] that represent me: Jennifer McCallum, Donald McEachin, Bobby Scott, Senators Webb and Warner, Mayor Jones in Richmond, President Obama. And seldom to never do any of them vote for me, the way I want. And that's my other complaint.

DELEGATE JONES: We can't do anything about that.

MR. FORREST: You can do something. I want you all to – it's not that difficult to run a good government. I want you to step up to the plate, put your interests aside and treat us right. It's overdue.

Thank you.

DELEGATE COLE: All right. Thank you very much. Senator Martin.

SENATOR MARTIN: Mr. Chairman, our responsibility is to draw the lines, and we sometimes get the opportunity to speak to colleagues about how they ought to vote, but we can't dictate it to them.

DELEGATE COLE: Thank you.

MS. FINCH: I'm Nancy Finch. I'm president of the Richmond First Club. We're members of the redistricting coalition, and we have been working with the coalition for some time. They have been working for several years, as you know.

A couple of things. One, maps are submitted, lines have been drawn, and we have lots of folks here this [39] morning with big problems with the maps and with the lines. So I hope that things are not in concrete. I hope that the people here will be heard. They certainly brought up some legitimate concerns about, particularly about splitting districts.

The other thing. In the press we've read a couple of times that the plans from the students and from the governor's commission just came in too late. They couldn't help you all. Well, it was my understanding that everybody received the census figures, and they were waiting for the census figures in mid-February. So I'm wondering now how their plans were too late, but other people's plans were not too late.

And, third, in 2006, a group of senators and delegates submitted Senate Joint Resolution Number 84, and this is part of what it said. The senators were Senator Williams, Senator Martin Williams, Senators Hanger, Potts, Quayle, Stolle. The delegates were Delegates Callahan, Morgan and Parrish. I'm sure

those are familiar names to all of you. Maybe some of you are here.

One of the comments in this resolution said, whereas the best redistricting process followed by the General Assembly in 1991 and 2001 reflects new developments – everybody is saying the same thing this year – and problems now inherent in the process, [40] including the use of sophisticated technology, more frequent division of localities – which is still one of the concerns this year – among two or more districts, less attention to compactness and contiguity of districts, a more intense reliance on political data, increased protection for incumbents, a severe reduction in the number of competitive contests for State Legislative and Congressional seats – and this, to me, is the most important – a consequent decline in voter participation.

This is what has interested Richmond First Club and the coalition in working so hard on this effort. Voters are not turning out like they should. Some years ago I conducted a poll in the district that I lived in. Like 15 percent knew who their delegate was, of the voters.

We hope that this is going to change after this redistricting effort, that people will vote, they will know who their delegates are. And this resolution goes on to give a very, very low number of people turning out to vote. We're for whatever strengthens fair democracy, and I'm sure you are, too.

DELEGATE COLE: Thank you very much. Does anyone else wish to speak? All right. One more.

MR. UKROP: I'm Jim Ukrop, and I'm here to represent my children and my grandchildren. And I think [41] you all know our Virginia history. We are the

birthplace of America. The leaders of this country were from right here in Virginia. And I think this is a real opportunity for us to take a leadership position in our nation.

What would the news be like? We are in a divided country today. No one can agree on anything. But wouldn't it be a wonderful thing for the nation to read about the Virginia legislature stepped forward and did the right thing. You know, you are the leaders in this state. It's up to you, and I hope you do the right thing.

DELEGATE COLE: All right. Thank you. If no one else wishes to speak, I do have an announcement. There will be a House Privileges and Election Meeting this afternoon, probably at 3:00 or 4:00. We'll announce the time on floor. And – is this room available? It's across the hall in the other House room.

Do you wish to speak to the Committee?

DELEGATE TYLER: Yes, sir. Thank you,

Mr. Chairman, Members of the Committee. I'm Delegate Rosalyn Tyler. One thing that I would like the Committee to take into consideration as you look at the redistricting lines, is – also, as you look at the population for minority districts, I would also like you to look at the voting population in minority districts, as well.

[42] Because even though you might draw minority districts that may be 55 percent or more, but we need to actually look at the voting numbers in each district. And I would just like to recommend that to the committee, because, as a minority legislator representing the district, it's not always included. And I guess I'm in great concern, because my district includes five prison populations. The population is

there, but my voter population is not. So I ask you just to take that into consideration.

DELEGATE COLE: All right. Thank you very much. If no one else wishes to speak, Senator Howell, do you have any announcements?

SENATOR HOWELL: I would just like to say that Senate P. and E. is meeting tomorrow at 10:00, and we, like I said originally, we have made numerous changes already, and I'm sure we will be making more before tomorrow afternoon.

At this time the hearing was adjourned.

[43] CERTIFICATE OF COURT REPORTER

I, Kellie Milner, hereby certify that I was the court reporter in the Privileges and Elections Hearing for the General Assembly on the 4th day of April, 2011, at the time of the hearing herein.

I further certify that the foregoing transcript is a true and accurate record of the incidents of the hearing herein, to the best of my ability.

Given under my hand this 20th day of March, 2011.

/s/ Kellie Milner, Court Reporter
Kellie Milner, Court Reporter